

# JOURNAL

OF THE

## SENATE

OF THE

### COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE  
SEVENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1829,  
AND OF THE COMMONWEALTH THE THIRTY-EIGHTH.

FRANKFORT:

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## JOURNAL OF THE SENATE.

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AT a General Assembly begun and held for the state of Kentucky, at the Capitol, in the town of Frankfort, on Monday the seventh day of December, in the year of our Lord, one thousand eight hundred and twenty-nine, in the thirty eighth year of the Commonwealth.

It being the day appointed by law for the annual meeting of the General Assembly, John Breathitt, Lieutenant Governor, appeared and took the chair, and the following members of the Senate appeared and took their seats, to-wit: From the counties of Adair, Casey and Russell, Benjamin Selby; from the counties of Barren and Edmonson, Robert D. Maupin; from the counties of Cumberland and Monroe, William Wood; from the counties of Allen and Warren, William C. Payne; from the counties of Logan and Simpson, Presley Edwards; from the counties of Butler, Grayson, and Muhlenburg, William Cunningham; from the counties of Hopkins, Henderson and Union, James Townsend; from the counties of Calloway, Hickman, Graves, McCracken, Livingston and Caldwell, James Campbell; from the counties of Christian, Trigg and Todd, Francis Summers; from the counties of Daviess, Ohio, Breckinridge and Hancock, Willis Green; from the counties of Green and Hart, James Allen; from the counties of Hardin and Meade, John C. Ray; from the counties of Jefferson and Bullitt, John Hughes; from the counties of Henry and Oldham, John Redman; from the county of Shelby, Samuel W. White; from the county of Washington, Christopher A. Rudd; from the county of Mercer, John B. Thompson; from the county of Garrard, John Faulkner; from the counties of Lincoln, Rockcastle and Laurel, Henry Owsley; from the counties of Pulaski and Wayne, John Griffin; from the counties of Knox, Clay, Harlan, Perry and Whitley, Robert George; from the counties of Nelson and Spencer, Benjamin Hardin; from the counties of Boone and Campbell, Leonard Stephens; from the counties of Grant, Pendleton and Gallatin, David Gibson; from the counties of Franklin, Owen and Anderson, Cyrus Wingate; from the county of Harrison, Peter Barrett; from the county of Bourbon, John R. Thornton; from the county of Mason, Robert Taylor; from the counties of Greenup, Lewis and Lawrence, John M. McConnell; from the county of Fleming, William P. Fleming; from the counties of Montgomery and Estill, Samuel L. Williams; from the county of Clarke, William McMillan; and from the counties of Woodford and Jessamine, George L. Brown.

The said William Wood, William C. Payne, Presley Edwards, James Campbell, Christopher A. Rudd, John B. Thompson, Henry Owsley, Robert George, Leonard Stephens, John R. Thornton and George I. Brown, severally produced certificates of their having been duly elected, and took the several oaths required by the constitution of the United States, and the constitution and laws of this State.

James Stonestreet was elected clerk of the Senate, and Anthony Crockett, Sergeant at Arms during the present session, whereupon they took the oaths of office.

Mr. Wingate nominated Littleberry Batchelor, as a proper person to discharge the duties of Door keeper to the Senate during the present session; and Mr. Brown nominated William McBride; and upon taking the vote, Mr. Batchelor having received a majority of all the votes, was declared duly elected, whereupon he took the oaths of office.

Mr. White nominated Benjamin R. Pollard as a proper person to fill the office of assistant clerk to the Senate, during the present session, and Mr. Summers nominated James L. Dallam, and upon taking the vote, Mr. Pollard having received a majority of all the votes, was declared duly elected, whereupon he took the oaths of office.

On motion of Mr. McMillan, *Ordered*, That the rules of the last session be adopted as the rules of this house until altered by the Senate, and that the public printers, print one hundred and fifty copies thereof for the use of the General Assembly.

*Ordered*, That a message be sent to the House of Representatives, informing that body, that the Senate having met, formed a quorum and elected its officers, is now ready to proceed to Legislative business, and that Mr. Wingate carry the said message.

Messrs. McMillan and Allen were appointed a committee on the part of the Senate, to act with the committee to be appointed on the part of the House of Representatives, to wait on the Governor and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make.

*Ordered*, That Mr. Wingate inform the House of Representatives thereof.

A message was received from the House of Representatives, informing the Senate that the House having met, formed a quorum and elected its officers, is now ready to proceed to Legislative business; and that a committee has been appointed on its part to wait on the Governor and inform him that the General Assembly has convened and is now ready to receive any communication he may think proper to make.

The committee on the part of the Senate then retired, and after a short time returned, when Mr. McMillan reported, that the committee had discharged the duty assigned them, and were in-



formed by the Governor that he would make a communication in writing, by way of message, to each branch of the General Assembly, in their respective chambers, to-morrow, at eleven o'clock A. M.

On the motion of Mr. Fleming, leave was given to bring in a bill authorizing certain advertisements to be inserted in the Kentucky Intelligencer printed in Flemingsburg, and Messrs. Fleming, Hardin and White were appointed a committee to prepare and bring in the same.

On the motion of Mr. Hardin, leave was given to bring in a bill to change the time of holding the Spencer circuit and county courts, and Messrs Hardin, Campbell, Edwards and White were appointed a committee to prepare and bring in the same.

*Ordered*, That a committee for courts of justice be appointed, and a committee was appointed consisting of Messrs. Wickliffe, McConnell, Selby, Fleming, Green, Edwards and Campbell, who are to take under consideration all matters relating to courts of justice and such other matters as may be from time to time, referred to them, and report their proceedings, with their opinion thereupon to the Senate, and the said committee is to inspect the Journals of the last session, and draw up a statement of the matters then pending and undetermined, and the progress made therein; also to examine what laws have expired since the last session and inspect such temporary laws as are near expiring, and report the same to the Senate, with their opinion thereupon, which of them ought to be revived and continued.

*Ordered*, That a committee of propositions and grievances be appointed; and a committee was appointed, consisting of Messrs. McMillan, Griffin, Barrett, Maupin, Harris, Williams and Payne, together with such other members as may, from time to time choose to attend, who are to take under consideration all propositions and grievances that may be referred to them from time to time, and report their proceedings, together with their opinion thereupon, to the Senate.

*Ordered*, That a committee of privileges and elections be appointed; and a committee was appointed, consisting of Messrs. Faulkner, Cunningham, Rodman, Wall, Summers, Ray and George, who are to take under consideration and examine all returns of the election of Senators to serve in the present General Assembly, and compare the same with the forms prescribed by law, and take into consideration all questions concerning elections, and such other matters as shall, from time to time, be referred to them, and to report their proceedings, together with their opinion thereupon to the Senate.

*Ordered*, That a committee of Religion be appointed; and a committee was appointed, consisting of Messrs. Wood, Barrett, White, Townsend, Fulton, Gibson and Owsley, who are to take under consideration all matters and things relating to Religion and morality, and such other things as may, from time to time, be



referred to them, and to report their proceedings, together with their opinion thereupon, to the Senate.

*Ordered*, That a committee on Internal Improvement and Domestic Manufactures be appointed; and a committee was appointed, consisting of Messrs. Allen, Taylor, Maupin, Campbell, Thornton, Hughes, Rudd, Stephens and Brown, who are to take into consideration all matters concerning the public highways and navigable streams, and relating to the condition and improvement of the manufactures of the country, and such other matters and things as may, from time to time, be referred to them, and report their proceedings, with their opinion thereupon, to the Senate.

*Ordered*, That a committee of finance be appointed; and a committee was appointed, consisting of Messrs. Hardin, Selby, Taylor, Ray and Thompson, who are to take under consideration all matters and things relating to, or connected with, the revenue and fiscal concerns of this Commonwealth, and such other matters as may be, from time to time, referred to them, and to report their proceedings, and their opinion thereupon, to the Senate.

And each of the said committees are to meet and adjourn, from day to day, and shall have power to send for persons, papers and records for their information.

*Ordered*, That a committee of enrolments, on the part of the Senate, be appointed; and a committee was appointed, consisting of Messrs. Wingate, Gibson, Summers, McConnell and Green.

*Ordered*, That Mr. Wingate inform the House of Representatives thereof.

And then the Senate adjourned.

TUESDAY, DECEMBER 8, 1829.

The Senate assembled.

Mr. Samuel Fulton, a member of the Senate from the counties of Nicholas and Bracken, and Mr. Robert Wickliffe, a member from the county of Fayette, appeared and took their seats.

Mr. Wickliffe produced a certificate of his election, and took the several oaths required by the constitution of the United States and the constitution and laws of this State.

Mr. McConnell presented the petition of Jesse Corum, jailor of Greenup county, praying that a law may pass giving him further time to renew his bond of office.

Which was received, read and referred to the committee of propositions and grievances.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Hardin—A bill to change the time of holding the Spencer circuit and county courts; and,

By Mr. Fleming—A bill authorizing certain advertisements to

be inserted in the Kentucky Intelligencer, printed in Flemingsburg.

Which were each read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed;

*Resolved*, That the said bills do pass and that the titles thereof be as aforesaid.

On the motion of Mr. Hardin—*Resolved*, That a committee be appointed to examine the room occupied by the Senate last session, and report at what time the same can be prepared for the reception of the Senate—also, to ascertain at what time the Senate chamber in the capitol will be completed.

And Messrs. Hardin, M'Connell and Wingate were appointed a committee conformably thereto.

After a short time Mr. Hardin from the said committee reported in part:

That they have inspected the room occupied by the Senate at the last session, and are of opinion that the same may be prepared for the reception of the Senate by to-morrow ten o'clock, A. M. They submit the following resolutions, viz:

*Resolved*, That the door keeper be directed, forthwith to make the necessary repairs to said room.

*Resolved*, That when the Senate adjourn on this day they will adjourn to meet in said room.

The said resolutions were twice read and concurred in.

On the motion of Mr. Wickliffe, the following resolutions were unanimously adopted, viz:

*Resolved*, That the Senate of Kentucky is deeply impressed with the loss, which not only the Senate, but the State of Kentucky, has sustained by the death of Col. Andrew Muldrow, late a member of this body, and that the Senate will, as an evidence of their high estimation of the memory of the deceased, wear, for one month, the usual badges of mourning.

*Resolved*, That the badges be furnished by the Sergeant at Arms, to the members, at their respective chambers.

On the motion of Mr. M'Connell, leave was given to bring in a bill to amend the law in relation to opening and repairing the public roads; and Messrs. M'Connell, Edwards and Green were appointed a committee to prepare and bring in the same.

On the motion of Mr. Green, leave was given to bring in a bill to amend the laws in relation to crimes committed on the Ohio river, and Messrs. Green, Cunningham, Thompson and Hardin were appointed a committee to prepare and bring in the same.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

*Fellow-Citizens of the Senate,*

*And of the House of Representatives:*

THE seasons having performed their annual revolution since the date of my first official communication to the Legislature, it is with feelings of unbounded gratitude to an all-wise and benevolent Providence, for the innumerable blessings which, in common with the rest of our fellow-citizens, we have been permitted to enjoy through the intervening space, that I again attempt to discharge that part of the duty reposed in me by the Constitution.

With but very inconsiderable sectional exceptions, the past season has been truly propitious to the husbandman. In all the variety of his crops, he has been signally successful; and he is abundantly surrounded by the fruits of his labor. His intercourse, social and commercial, with his brethren of the sister States, and of the world, remains uninterrupted; and next to the Author of his being, he looks with confidence to the representatives selected by himself, for a continuance of that prosperity, which by his own persevering industry and economy, he endeavors to deserve; and however complicated our system of government may be, it is nevertheless so ingeniously organized, its powers and duties so happily blended and divided, that nothing less than the most intolerable misrule on the part of those who give direction to, and control the action of the Government of the Union, or an unhappy failure of the several departments of the State Government to co-operate in the discharge of their respective duties, can for a moment arrest the march of National, State, and individual prosperity, which is so plainly indicated on the map of this flourishing confederacy.

With entire confidence in the wisdom and virtue of the Legislature, and an unwavering determination to discharge my duty according to the best lights of my understanding, allow me briefly and respectfully to submit the following views for your consideration.

You are fully aware of all the circumstances, which led to the existing vacancy on the bench of the Court of Appeals, as well as of the difficulties which occurred during the last session of the Senate, between that body and the Executive, in consequence of which, the vacancy was not filled at the close of the session. It is sufficient for me to say, that under the peculiar circumstances of the case, I did not think it expedient to fill the vacancy during the recess. Whether an appointment pro-tem. to that office, would have been acceptable to any one qualified to fill it, I cannot pretend to assert, as I did not think proper to make the experiment—the provisions of the constitution not appearing to me imperatively to enjoin the exercise of that power; but only permissively to



grant it, to be exercised or not, as a sound discretion under all the attendant circumstances might seem to dictate.

The only visible effect of my declining to fill the vacancy, has been, in the obvious increase of labor thereby imposed on the two Judges now on the bench. But I am happy in the belief that by extraordinary efforts, they have succeeded in giving general, if not entire satisfaction to the public.

In looking at the present, and contemplating, with anxious anticipation, the future condition of our country, the mind necessarily turns to the subject of education as one of primary importance.

No fact can bring to the heart of the American patriot, a stronger assurance of the permanency and prosperity of these States, than the general exertion upon this great subject throughout our extensive country. The effort is ardent, persevering, and worthy of the high object. The States having the means, have invoked in this wise and philanthropic undertaking, the sages of the land, and have poured forth their treasure with a generous profusion.

Virginia, our mother State, has exhibited to us a proud example. To her son, the darling of his own State, the benefactor of his Nation and of mankind, the venerable Jefferson, she confided with command of funds, almost unlimited in amount, the task of rearing and organizing her "Centre College."

To this good work, he, the same of whose wisdom was not bounded by oceans, devoted the latter days of his honored and well spent life.

The Congress of the United States has, by liberal donations for similar purposes to several of the younger sisters of the confederacy, announced their opinion of the value and importance of the end desired.

The States around us, are in action upon the subject; or preparing for it. Kentucky too, owes this debt to posterity, to her own elevated fame, and the security of her rights. She has felt it; and under the influence of this conviction, she has been making her arrangements, and maturing her plans. She has adopted Transylvania as a State Institution, and made advances, which but for unforeseen and ruinous misfortune, would have placed, beyond the reach of doubt, the prosperity and usefulness of that University.

It is known to you that the Trustees of Transylvania had, some years since, at the expense of about thirty thousand dollars, erected a valuable and splendid edifice. It is also known to you, that that edifice, lately so valuable and splendid, is now a heap of ashes, involving in its conflagration, the destruction of far the greater portion of an extensive and costly Library, and much of the apparatus essentially necessary in an establishment devoted to science. The building was insured to the amount of ten thou-



sand dollars; but it will take that amount, or much the greater portion of it, to replace the Library and apparatus, thus making something like the entire loss of the edifice. This, it is confidently believed, with the materials not destroyed by the fire, can be replaced with the sum of fifteen thousand dollars. There are in the Academical department, one hundred and thirty-five students. Under these circumstances, the fate of the Institution is probably placed entirely in your hands.

A failure on the part of the Legislature to sustain it now, in its adverse and struggling condition, may well be considered as a final abandonment. To your better judgment I submit it, whether such should be the course adopted. Yet I cannot refrain from the indulgence of a hope, that the Legislature in its wisdom may be able to devise some plan of relief adequate to the object. Kentucky is now a great and a wealthy State. The sum necessary is comparatively small.

Will the Legislature sit idly by and see that University, the adopted one of Kentucky, wither and sink under the stern visitation of calamity, for the paltry consideration of a few thousand dollars? If the Legislature should, however, decline to make an unqualified appropriation, it occurs to me barely to suggest as a substitute, the application of a part of the school fund to this purpose, the interest of which should be reimbursed in the education of poor youth, to be selected in such manner, as you may designate. That fund is now idle. It may long remain so. In the plan suggested it is put into immediate action. And it would not be difficult to make that selection fall upon the impoverished posterity of those, to whom for their toils and services, and dangers in the fields of their country's renown, we owe a debt of gratitude beyond our power to pay. But this latter appropriation I candidly own is not free from objections in my own mind. Yet I submit it to your better judgment; and shall be gratified if one, less liable to objection, can be devised. The subject of education in its every form and aspect is certainly of the highest importance. None is more so, in all the range of human concerns and interests. It mingles alike with the feelings of the father, the patriot, and the philanthropist. It involves the felicities of home; and fills all the circle of patriotism—for it is alike the basis of domestic happiness and national prosperity. It is the ornament of society. It is the strength of liberty, and when possessed by the christian, it is awfully terrific to the enemies of his religion.

To this interesting topic, I have given here but a passing notice. For a more ample exposition of my views, I must beg leave to refer you to my communication of the last session, where it will be seen that Transylvania stands not alone, as an object of my peculiar regard, among the various colleges and institutions of learning in our State. If I have, on this occasion, pointed to her with

more than ordinary anxiety, it is no more than I would have done in behalf of any one of the rest, had a similar calamity, unfortunately befallen it.

Since the adjournment of the last Legislature the wall around the Penitentiary has been raised about seven feet above its former height; and the invaluable improvement of a separate cell, or night room for each convict, has been provided. The penitentiary system has recently become a subject of deep interest to the friends of a humane and benevolent policy, not only in this, but in several other of these States, as well as in Europe. It attracts the attention, and excites the purest sympathies of the most worthy of the sages and matrons of our land. For it may be assumed as a melancholy fact, that out of the multitude of prisons of this description in Europe and America, *not one* of them has, until within a few years past, been even partially successful in the reformation of the convicts. On the contrary, their history confirms the afflicting truth, that without a solitary exception, they have been so many schools of vice; mere dens of iniquity, in which all the ingenuity of depraved and wicked men, has been successfully exerted, to receive and impart lessons of immorality, and concert dark schemes of the most abominable and atrocious villainy. The advantages resulting to society from the temporary seclusion of this unfortunate portion of its members, have, it is believed, been more than counterbalanced, by the extraordinary mischiefs produced by their occasional liberation. The inmates of those sinks of deep and appalling moral degradation, have been let loose upon society, the most desperate, dexterous and hardened villains; contaminating every thing within the scope of their deleterious influence, until again detected, condemned and returned to the same, or to some other prison. Add to this cheerless fact, that prior to the recent improvements of the system not a single instance can be cited, of a public prison, the *expenditures* of which, have not greatly exceeded the *income* from the labor of the convicts, and it is no matter of surprise, that the efficacy and justice of this mode of punishment, should be doubted. For what can be more unjust towards the virtuous part of any community, than the impositions upon them of heavy burdens to support the most profligate, who are immured in prisons, in lieu of merited inflictions of a more sanguinary character.

But a brighter and a better day appears to have dawned upon those abodes of darkness, and hitherto, nurseries of crime. The defects of the system are detected and exposed; and remedies applied, which are now in full and successful operation. The reader of the reports of the "prison discipline society" whoever he may be, will unhesitatingly acknowledge the facts as stated. We are mainly indebted to the benevolent fathers composing that society, aided as they have been by some other powerful minds in

this country, as well as in Europe, for nearly all the lights we have on this subject, so deeply interesting to every civilized and Christian community. This society was organized in 1825. Its avowed object, was the improvement of public prisons. How far this noble purpose has been marked with success, let Auburn, Sing Sing, Weatherfield, and some other public prisons attest. Stimulated by the purest motives, that ever animated the bosoms of the benevolent, that society has at great expense and trouble, procured and disseminated more useful information, within the short term of its existence, than had been previously obtained, in relation to this matter, from the time of the establishment of the first public prison in this or in any other country. Hard labour by day, and solitary confinement by night, allowing no avoidable conversation with each other, or with any one else, except the keeper or by his consent, and carefully furnishing moral and religious instruction may be considered as an outline of the plan proposed by the society. From this very brief, but general view of public prisons, allow me to draw your particular attention to the one over which the Legislature, under high and solemn responsibilities, has immediate and direct control.

This establishment has within a few years past undergone every great and striking improvement; commencing and progressing almost simultaneously with the improvements of the other prisons alluded to; but from a *cause* entirely different, except so far as that cause has been instrumental in introducing and bringing into action, the principles of the "prison discipline society." I refer to the employment of a keeper whose pay for his services is made to depend entirely upon the net profits of the establishment. This idea has its novelty; and will, by many, be viewed as utterly erroneous. Indeed I am aware, that among speculative and fanciful theorists, it will have to encounter the most formidable opposition. It will, nevertheless, stand the test of experience; and will, in the end, have to be engrafted on the improvements suggested by the prison discipline society, to complete the system.

This plan furnishes the strongest imaginable guaranty, that the convicts shall not become a burden to the State. It ensures the strictest economy, and it is now fully conceded, "that in prisons, where there is most moral improvement, there is least expense"—that economy and moral improvement, are not adverse, but congenial principles, and must co-operate to produce any very favorable results. The interest of a keeper employed on our plan and that of the Commonwealth, are precisely the same. It is his interest that the work of every description should be executed in the best manner; and that no unsaleable articles shall be allowed to accumulate on hand. His interest directs his attention to the health of the convicts. He taxes his ingenuity to



provide for them, the most profitable employment. He varies that employment to suit the times and the market; and he is constantly awake to all the pecuniary concerns of the establishment. He is interested in their moral improvement, and it is against his interest that the convicts should be improperly abused, or cruelly treated.

It is to be hoped that this institution will never fall under the control of a superintendant, whose only motive is, cold calculating gain. But should it unfortunately so happen, we have much less to fear from that circumstance than from the employment of a keeper, the reward of whose services is not contingent, on the pecuniary management and success of the establishment.

Assuming the ground that a rigid economy is as essential to moral improvement, as it is to ensure common justice to the virtuous portion of the community, and it may be asked, whether the cost of criminal prosecutions added to the expense of rearing public buildings, is not as much as ought to be imposed upon the law-abiding and upright portion of society, for the purpose of mitigating the punishment of lawless and high handed offenders? In proportion to our population, the number of commitments to this prison, is certainly not considerable. That an average population of about a half million annually, should in the last thirty years, furnish but six hundred and thirty of that unfortunate class, is by no means extravagant. And yet it is known that the cost of criminal prosecutions in many of our counties, some of them ranking among the most populous and wealthy, greatly exceeds the amount of revenue they pay into the Treasury. To guard against an increase of this burden upon the Commonwealth for the support of the convicts, is thought not to be unworthy of the consideration of the Legislature. That increase is effectually guarded against by our mode of employing a superintendant. And assuming the ground that an equal moiety of the net income of the establishment is an ample reward for his services (and he ought to be amply rewarded,) it follows of course, that the State's moiety of the net income will be sufficient to make provision for their moral and religious instruction, to employ competent teachers of Sunday schools, and to make such alterations and improvements in the buildings as may from time to time be deemed expedient. At this time the most striking deficiency in the establishment is, the want of a Hospital; and it is respectfully submitted to the Legislature, whether it will not be well to procure for the use of the State, copies of the reports of the "prison discipline society," with such other valuable information, as it may be convenient to obtain in relation to this interesting subject.

On examination of the Reports of the conductors of public prisons generally, it will be seen, that due and proper notice is



taken of the female convicts. On this head, I have nothing to communicate, except to express the pleasure which is derived from the fact, that we have not for several years had a single individual of that sex confined within the walls of the Penitentiary.

Connected with this subject in some degree, is that of a "house of refuge," for juvenile delinquents. Houses of this description having been recently constructed, are now in successful operation in several of these States. They are probably entitled to the first rank, among the humane and benevolent institutions of this, or any other country—reflecting upon the authors the highest honor, and insuring them imperishable renown. The heart that chills at the sight of a youth of tender years, immured in a prison with none to instruct him, but the most hardened offenders, will rejoice at the establishment of an institution, in which the youthful delinquent is to be placed under the fatherly and matronly care of the pious and sensible, where the restraints imposed, and instruction given, are at once preventive and remedial of crime, and tend so admirably to qualify those objects of charitable regard for all the useful purposes of life.

Under the provisions of an act of the last session of the Legislature, incorporating the Maysville and Lexington turnpike road company, that road has been commenced at the former point, and is now in progress towards the completion of the first five miles. It is to be hoped that this road will not be permitted to stop at the termination of that distance. It is a road of great importance both in a national and sectional point of view, and if not neglected by the State, will doubtless receive the co-operation of Congress, as well as individuals in making it. The importance of improving the roads leading from the appropriate points along the Ohio and other navigable rivers, into the strong settlements of the interior, to enable our farmers to convey their produce to market, and to return with such other bulky and ponderous articles, as they are in the practice of supplying themselves with from those rivers, at less cost and trouble, begins to be more than ever seen and acknowledged.

The individual enterprise of the citizens of Lexington, Versailles and Frankfort, stands conspicuous for the exertion which it is making to locate and construct a road from Lexington in a direction to Louisville, and I trust they will receive the countenance and support of the Legislature.

By the exaction of a revenue to be expended upon works of this character, it is not possible to oppress the poor, or injuriously to affect the interests of any portion of the community. Our revenue is derived from the property of the country and not from individuals. By the expenditure of revenue upon durable public works of this description, the value of property is enhanced to the owner greatly beyond the amount which it has contributed to the object, and in addition to numerous other almost in-

calculable advantages resulting to the owners of property, they are enriched by such expenditure when judiciously applied. To the poor, it gives certain and profitable employment—as for instance the wages of labour at this time in Pennsylvania are said to be nearly double what it was a short time since, in consequence of the Canal and other public works, which are in progress there. Besides the Schuylkill and Lehigh Canals, and that of the Chesapeake and Delaware, about four hundred miles of the Pennsylvania Canal is expected to be in full operation, early next summer. And this great State, when her other resources are found to be inadequate, borrowed and continues to borrow, to the amount of millions, sooner than for a moment to be obstructed in her improving march to the high destiny that awaits her. Pennsylvania rightly understands her best interests, and so did the great State of New York as evinced by the public spirit which she has displayed in executing works of this character. Indeed, he is no political economist, who does not perceive that revenue raised and judiciously applied to the improvement of a country, tends to enrich and not to impoverish its inhabitants.

It is my duty in compliance with the request of the Governors of the States of Georgia, South-Carolina, Virginia and Mississippi, to communicate to you the resolutions which they have respectively adopted, in opposition to the Tariff, and with the exception of those adopted by the Legislature of Mississippi, denying the power of the General Government to make Internal Improvements, and one from the Legislature of South-Carolina, denying the power of Congress to “patronize, or direct appropriations for the benefit” of the Colonization society. In performing this duty, I will superadd, that also of expressing my deliberate conviction, after mature and full examination of the power of the General Government to adopt and of the wisdom of the policy, and justice of those measures; and instead of their being abandoned, the prosperity of the Union, and of this State, in my judgment, requires that they should be steadily maintained, and carefully improved, in all cases respecting the tariff, where the degree of protection which it affords, is inadequate to the object; and in all cases of Internal Improvement, where the magnitude and importance of the work to be executed, is sufficient to demand it, as a National measure, and also to patronize and aid the Colonization society. In some of those resolutions and remonstrances, a tone is assumed, and a temper manifested, which are to be deeply regretted. Every member of the Union has the undoubted right, freely to express its opinion, on any act or measure of the General Government, and may resort to all constitutional and peaceful means to impress that opinion upon the majority of the people and of the States. But here its right stops. It cannot proceed a step farther, and obstruct the execution of the acts of the Union, by acts of its own. Such obstruction, if acquiesced in by the

General Government, would amount to a virtual dissolution of the Union—if resisted, would lead to civil war. These were the principles upon which Kentucky and her parent State acted at the memorable period of 1798, and I do but act upon the same principle, in thus expressing my dissent from the doctrines avowed in the accompanying resolutions, and in submitting to the Legislature as I am now about to do, the views which I entertain, in opposition to certain other acts of Federal authority.

The intimate connexion which happily exists between the governments of the Union, and of the several states, and the mutual influence which they exert upon the community and upon each other, render it proper and necessary that a guarded attention should be constantly applied to the measures adopted, and the principles asserted and acted upon by both. But this is essentially requisite in relation to the General Government. Whilst the operation of the measures of the State Government is principally limited to its own territory, that of the Federal Government is co-extensive with the whole Union. The injury flowing from the adoption by a State of an erroneous policy, or its pursuit of pernicious principles, is confined chiefly to itself, and that injury may even be of great magnitude and of long duration, without disturbing the harmony, or impairing the prosperity of the parts of our confederacy. But the case is otherwise with the General Government, whose acts and proceedings immediately extend throughout the whole, and to every part, and as they are marked by wisdom or indiscretion, promote the happiness, or occasion the distress of all. This quality of the acts of the Federal Government, makes it the duty of the chief magistrate of the Commonwealth, under the injunction contained in its constitution to notice any of them from time to time that he may deem injurious in their tendency. And accordingly, my predecessors have, at various times, called the attention of the General Assembly to particular acts of the Federal authority, which in their opinion bore that character. A similar usage prevails in most, if not all of the other States composing the Union.

Upon the termination of the late Presidential contest which had been during the whole of it characterized by uncommon warmth and acrimony, it was the interest of all, and is believed to have been a general inclination, to consign to oblivion, unpleasant incidents which had attended it. The will of the majority of the nation had been constitutionally expressed, and it was the duty of those who differed with that majority to submit to its decision, and in deference to it, as well as in justice to the distinguished individual who had been elected, to give a fair and impartial consideration to the acts of his administration. After having conformed to that duty and deliberately examined these acts, with all the candor and freedom from bias of which I am capable, I feel constrained to express my serious apprehensions of the dangerous



tendency of the principles on which the patronage of the government has been recently administered. The present administration exhibits the first example under the General Government of the exercise of that power in numerous instances by dismissing officers at home as well as abroad, on no other ground than that of difference of opinion as to the person who should be entrusted with the Chief Magistracy of the country. And it has exhibited the first example also, of the recall, at great and unnecessary expense, of several of our foreign diplomatic agents without the slightest intimation of any fault in the performance of their duties. Without dwelling upon the injury to the public from the dismissal of able, honest and experienced servants; or upon the injustice of punishing those servants by a sudden privation of their means of subsistence, for no other reason than difference of opinion, there is much cause of alarm in the practical consequences of a principle which assumes, that the President of the United States may rightfully expel all who ventured to oppose his election whatever may be their merits in other respects.

Our elections recur periodically after short terms. If the President of the United States elected every four years, may dismiss every official incumbent who took part against him at the preceding election, our country will become a perpetual and distracted theatre of confusion for the offices of Government to the total disregard of the public interest and of all patriotic considerations. The example of the President will be contagious, as to the functionaries of the State Governments invested with analogous powers of dismissal, and terminate in a scene of disorder, strife and turmoil throughout the land without any precedent. But it is not in the exercise of the patronage of the General Government by removal from office alone, that just occasion is furnished for serious reflection and fearful foreboding. The numerous appointments that have been made of members of the last or present Congress, to public employments, far transcending in number, those that had been made during a similar period under any preceding administration, cannot but excite anxious solicitude in respect to the independence of Congress. To that body is confided the duty of watching over every branch of the public administration; of calling for and scrutinizing accounts; and of detecting and punishing abuses, in any of the departments of Government. What guaranty has the public for the faithful performance of this high duty, in respect to the Executive, if an undue proportion of the public offices and honors is conferred upon members of Congress by that very branch of Government: whilst it would on the one hand be improper to exclude them from public appointments farther than they are excluded by the constitution, it must be acknowledged, on the other, that an inordinate number should not be appointed; and that the public should continue



to possess adequate security for their fidelity, both in the importance and the limited number of the offices bestowed on them. Through members of Congress in the exercise of their franking privilege, and through the press in subsequently disseminating the intelligence received from them, the greatest mass of political information is distributed to the people. Hence, and on other accounts also, the great importance of a perfect preservation of the purity and independence, both of Congress and of the press. But at the period when we have beheld the disproportionate number of those who now are, or very recently were members of Congress appointed to public offices by the Executive of the United States, we have also seen numerous instances of the appointment of Editors of newspapers throughout the Union, some of whom continue to perform their joint editorial and official duties after receiving their appointments. If Congress and the press are habituated to look to the Executive instead of the people, for promotion, honor and offices, there would be much reason to apprehend that they would in process of time, both prove to be faithless guardians of the public liberty.

Nor are the mischievous consequences of the principle confined to the period which follows the election to the Presidency. It mingles, with alarming force, with the election itself. It calls into the contest every political adventurer, stimulated by the hope of gain, to be measured out to him, according to the violence with which he may advocate the claims of the successful candidate, and the rancor with which he may denounce and villify an unsuccessful one. Thus thousands are invited by personal interest, to bring back upon us, with the recurrence of every Presidential election, scenes of heat and violence, in the fury of which there is certainly great evil and great danger of error.

Truth is disregarded, and an interest dangerous to the purity of elections, usurps the place of dispassionate inquiry and true love of country. A title is asserted to office not founded upon talents, integrity or services rendered to the country—but upon services rendered to the President in his election. The principle thus strikes at that virtue and exclusive patriotism which is the strength of our country, and without which this government the wonder and admiration of the world cannot long endure.

I refer to these transactions with unaffected regret. But I cannot be deterred from the performance of a sacred duty by any consideration resulting from the number who may approve of them. The history of the State, which has done me the honor to place me in the station which I now hold, demonstrates its warm attachment, and ardent devotion to the cause, and the lasting preservation of liberty; and when at the period herein before alluded to, it believed that liberty to be in peril, the people of Kentucky in boldly resorting to constitutional measures, to

sustain and uphold it, did not stop to enquire how many other States were ready to co-operate with them. And it will now be for the people through their representatives to arrest the consequences anticipated before too late. Whether by reducing the pay, and salaries of officers, who rely on the President for appointment and continuance, and thereby to lessen the inducements, and the means of intrigue and corruption, or by the exercise of the elective franchise, or both, are matters worthy of the most serious consideration of every friend of the republic. That a considerable sum may be saved to the country by a reduction of the pay of those officers, not only without detriment, but with great advantage to the public interests, I have not for many years entertained a doubt.

The actual deficit in the Treasury, at the expiration of the last fiscal year, was about thirty thousand dollars less than we had been led to expect from the estimate of the Auditor. This is mainly to be accounted for by the amount saved to the Commonwealth, under the provisions of "an act requiring certain duties of clerks" approved the 16th of January last, and an act approved the 29th of the same month, regulating the pay of venire men.

But the amount of the actual deficit, when added to that which is expected to accrue in consequence of an excess of expenditure, beyond the income of the present year will, according to the estimate of the Auditor, amount to one hundred and two thousand eight hundred and eighty-five dollars, and ninety-seven cents, which, unless provision is made to meet it, will be the balance against the government on the 10th day of October next.

In referring to these facts and estimates, I have only to add, that I have entire confidence in the sagacity of the Legislature to perceive, and in its wisdom to adopt the most suitable mode of drawing from our ample resources the means of supplying this deficiency.

In compliance with the request contained in the resolution adopted by the Legislature on the 29th January last, a correspondence was opened with the Governor of Tennessee, by letters bearing date the 12th of February, and the 1st of May last, to the latter of which a reply was received bearing date the 21st of the same month, giving assurances, that it would be very gratifying to the authorities of Tennessee, to have the boundary between the two States permanently fixed; but that the Legislature had made no provision on the subject, and consequently that no step could be taken to co-operate with us. But stating that should a suspension of operations be directed on the part of Kentucky, until the meeting of the Assembly of that State, it would afford an opportunity for a joint commission which on their part, would be very desirable, as nothing could be satis-

factory to the people on the border, unless both parties were represented.

It was under these circumstances determined, that it would best comport with the courtesy and respect due to the authorities of a sister State, and consequently with the views of the Legislature, as well as with the best interests of the border inhabitants, to suspend all operations until the opportunity suggested had been afforded to the Legislature of Tennessee, which it is understood, met on the third Monday of September last, since which time no further communication on the subject has been received.

I will here present to you, a general outline, only, of the situation of the Bank of the Commonwealth, as a report in detail of the affairs of that Institution, will shortly be laid before you by its President.

The whole amount of debt due the Bank on the first day of October last, including notes in suit, and notes under discount not in suit, was \$1,018,492 85, which is \$118,376 23, less than the amount due at the close of the preceding year. The amount of notes under discount has diminished within the last year \$185,270 35. The whole amount of real estate purchased by the Bank is \$58,728 52. The Literary Fund remains stationary since the last year at \$140,917 44; and the whole amount of stock is \$542,558 63. The net profits of the Bank for the last year is \$8,291 17 less than the net profits of the next preceding year; and the amount of loss within the last, exceeds that of the former year \$24,955 45.

The diminution of profits is a result consequent in part upon the diminution of notes under discount, and in part upon the useless and expensive continuance of the Branch Banks. And the increase loss as before stated, was occasioned by the robbery which was committed during the last autumn upon the Branch Bank at Louisville.

After the most mature deliberation, I have been led to consider it my duty, respectfully to recommend the withdrawal of all the Branch Banks, as soon as may be practicable. By doing so, the risk of losses by fire, robberies, or other accidents, will be lessened in a ratio proportionate to the number of branches—or thirteen to one; and the expenses of the establishment will be considerably reduced. By the appointment of Collecting Agents, in lieu of the Branches, it is believed that the convenience of the debtors, as well as the interest of the Commonwealth, would be consulted.

In making this communication, I have doubtless omitted to notice some of the topics of public interest which will occur to the Legislature. But I am consoled by the reflection, that no evil to the country can result from that omission. The immediate representatives of the people, selected for their intelligence and



virtue, from all parts of the State, will readily supply the deficiencies of this communication.

Our country is rapidly advancing in a career of prosperity. Blessed with generous soil, and healthful climate; aided in our commerce, by the facilities of modern invention, by which the age we live in is so eminently distinguished, it remains for us only to be judicious and wise, in the application of the means, so bountifully bestowed by the Author of all good, to render us prosperous, and happy, and powerful. To this end, let us bear back to our homes, when our labors are over, the consolation, of having diligently and faithfully dedicated our whole time, and our humble talents.

**THOMAS METCALFE.**

DECEMBER 8, 1829.

*Ordered*, That the public printer print fifteen hundred copies of the said message for the use of the Senate.

On motion of Mr. Wickliffe—*Resolved*, That the committee of courts of justice inquire into the expediency of amending the laws concerning descents, escheats, dower and devises, and that they report by bills or otherwise.

*Resolved*, That the same committee inquire into the expediency of repealing all laws allowing licences to keepers of Billiard Tables, and to provide by law for the more effectually suppressing unlawful gaming in this Commonwealth, and that they report by bills or otherwise.

On the motion of Mr. Wingate—*Resolved*, That the committee of courts of justice inquire into the expediency of amending the laws relating to the trial of the right of property, and that they report by bill or otherwise.

Mr. Maupin moved for leave to bring in a bill to take the sense of the people of this Commonwealth as to the propriety of calling a convention.

And the question being taken thereon, it was decided in the negative, and so the said motion was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and Maupin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Edwards, Fulton, Green, Griffin, Hughes, Maupin, M'Connell, Payne, Ray, Rodman, Stephens, Townsend and Wood—15.

NAYS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Hardin, M'Millan, Owsley, Rudd, Selby, Summers, Taylor, Thompson, Thornton, White, Wickliffe, Williams and Wingate—13.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 9, 1829.

The Senate assembled.

The Speaker laid before the Senate a letter from the Auditor of Public Accounts, covering his annual report of the situation of that office: which letter and report are as follows, viz:

AUDITOR'S OFFICE, KY.

Frankfort, 9th December, 1829.

DEAR SIR—Please lay before the House over which you preside, the documents accompanying this, from No. 1 to 9, inclusive, and oblige  
Yours respectfully,

PORTER CLAY, *Aud. Pub. Accounts.*JOHN BREATHITT, *Esq. Lieut. Gov. and Speaker of the Senate.*

No. 1.

*A statement of monies received and paid at the Treasury, for the year ending on and including the 10th day of October, 1829, to-wit:*

For Bank Stock Fund, to-wit: On lands granted under the acts of 1795, 6 and 1800, denominated headright lands,	\$652 87	
Ditto, under the acts of 1815, 20 and 25, denominated Land Warrants,	1,935 10	2,587 97
Non-Residents lands: Taxes received,		2,102 41
Warrants to be laid on forfeited lands: Sale of warrants,		30
Warrants to confirm titles to forfeited lands: Sale of warrants,		10
Lands west Cumberland River: Sale of warrants to be laid on lands in the State of Tennessee, between Walker's line and 36° 30' north, under act of Assembly, passed 1824, and the amendatory acts thereto,		143
Lands east Cumberland River: Ditto,		8 35
For Revenue: Amount collected by Sheriffs and paid into the Treasury, for the year	1822,	\$ 192 25
Ditto, Ditto,	1823,	462 58
Ditto, Ditto,	1826,	1,917 71
Ditto, Ditto,	1827,	58,035 67
Ditto, Ditto,	1828,	787 84—61,396 05
For Revenue collected by Clerks: Taxes received by Clerks of the Circuit and County Courts, on law process, deeds, seals, &c. also taxes received by the Clerk of the Court of Appeals and Clerk of the General Court,		\$10,527 92
Fees received by the Register Land-Office,		937 36
Ditto, by the Secretary of State,		29 45—11,494 73
Bank of the Commonwealth of Kentucky: For the nett proceeds of said institution received as revenue,		23,116 75
Lands west of Tennessee River: Sale of lands,		23,196 15
Miscellaneous Receipts: Redemption of residents lands forfeited to the State, &c.		76 44
Treasurer Town of Mayfield: Sale of Lots,		48 95
Attornies: Salary overdrawn,		20

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## THE SENATE.

23

Bank of Kentucky for Stock: Amount received for distribution of stock,

29,835

Total amount received by the Treasurer for the year ending on and including the 10th day of October, 1829,

\$154,065 80

Paid same time: Warrants reported to have been

paid by the Treasurer,

\$147,709 78

Stock subscribed in the Bank of the Commonwealth of Kentucky,

29,835

Military Certificates received in payment of head-right lands,

28 54

Total sum paid by the Treasurer,

\$177,573 32

To which add the balance due from the Commonwealth of Kentucky on the 10th day of October, 1828,

30,958 09

Making a sum of

\$208,531 41

From which deduct the amount of the above receipts,

154,065 80

Leaving a balance due from the Commonwealth of Kentucky, on the 10th day of October, 1829, of

54,465 61

There still remains in the Treasury, in specie,

790 60

Ditto,

Ditto, Illinois money,

20

## No. 2.

*A statement of warrants drawn by the Auditor of Public Accounts, on the Treasurer, from the 11th day of October, 1828, to the 10th day of October, 1829, inclusive, shewing the amount drawn for each source of expenditure, and the amount of warrants paid and unpaid same time, viz:*

Jailors; Attendance on Court, furnishing fuel, &c. \$2,440 98

Committing and releasing criminals,

124 55

Dieting criminals,

3,241 39

Ironing criminals,

2

Jailors guarding criminals,

23 25

\$5,832 17

Executive offices: Auditor's office,

766 90

Treasurer's office,

246 09

Register's office,

586 45

Secretary's office,

404 52

2,003 96

Distributing Acts and Journals Dec. Session, 1828,

291 76

Public Communications: By Governor and Secretary,

147 88

Auditor public accounts,

198 91

Adjutant General,

493 12

Quarter Master General,

93 40

933 51

Internal Improvements: Pay of hands, furnishing provisions, &c.

1,094 70

Criminal prosecutions: For the services of guards, \$2,446 95

Constables conveying criminals to jail,

121 26

Ditto. apprehending criminals for felony.

1,233



Ditto, summoning witnesses for Commonwealth in felonious cases,	270 31	
Ditto, whipping criminals by order of Court,	60 13	
Witnesses' attendance in behalf of the Commonwealth,	2,301 79	
Attendance of Veniremen,	5,486	
Sheriffs' apprehending criminals for felony,	296	
Ditto, summoning witnesses for Commonwealth in felonious cases,	428 36	
Ditto, summoning venires,	443 50	
Ditto, conveying criminals to the Penitentiary,	895 68	
Ditto, whipping criminals by order of Court,	18 11	
Ditto, executing process for contempt,	332 33	
Ditto, summoning juries in cases of Idiots,	118 02	
Ditto, executing criminals,	10 42	
Ditto, conveying criminals to jail,	194 15	
Elisors summoning venires,	3	
Ditto, Ditto, witnesses,	21	
Ditto, attending Court,	14	
Coroners summoning venires,	1 50	
Ditto, attending court,	5 00	14,679 72
Contingent expenses: Repairs of Public property,	105 54	
Storage, &c. on Public arms,	98 94	
Fees of Sergeant Court of Appeals, including his attendance on the Court of Appeals and General Court,	544 07	
Fees of Tipstaff for Ditto,	228	
Salary of Receiver of public monies west of Tennessee River,	200	
Stationary &c. furnished Ditto.	25 62	
Witnesses attending Court of Appeals,	34 24	
Stationary furnished Adjutant General,	14	
Packing laws and materials furnished for same,	54 87	
Office rent to Clerk Court of Appeals,	50 00	1,355 24
Salaries: of the Judiciary,	16,929 15	
Executive,	7,314 65	24,243 80
Attornies: Salary of same,		4,292 9
Military expenditures: Pay of Brigade Inspectors,	235	
Witnesses,	27 86	262 8
Lunatics: Support of Idiots,		8,640 4
Decisions Court of Appeals: Balance of 4th volume,	974	
In advance of 5th ditto,	350	1,324
Clerks services. Ex-officio services,	3,300	
Commissioners books,	2,793 15	
Record books furnished,	2,098 22	
Presses furnished,	616 96	3,808 3
Kentucky Institution for support of the Deaf and Dumb: Indigent pupils,		1,650 0
Money refunded: Taxes twice paid,	15 27	
Taxes improperly paid,	3 75	

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## THE SENATE.

25

Money paid into the Treasury for the benefit of the Attorney General and Clerk of the General Court,	216 54	235 56
Lunatic Asylum: Balance of appropriation December session, 1827, for support of said Institution,	1,000	
Appropriation December session, 1828, for ditto,	6,200	
Ditto, For building an additional wing,	3,500	
Ditto, Ditto, a wall,	1,200	11,900
Legislature, December session, 1828: Pay of members,		17,668 02
Sheriffs' comparing polls: For Governor and Lieutenant Governor,	203 95	
Senators,	23 02	
Congressmen,	94 52	
Electors,	1,557 58	1,879 07
Appropriations December session, 1828:		
To John Ash,	132	
James Crawford,	50	
Reuben, a coloured man,	10	
Robert Clarke,	15	
William A. Gorham,	43	
Adam C. Keenon,	372 62	
Tunstall Quarles,	251 05	
William Wood,	550 09	
Wight and Robson,	407 22	
Sally Watson,	15	
John M. M'Calla,	560	
Morgan B. Chinn,	15	
Joel Scott,	287 05	
Morrison and Taylor,	21 28	
W. W. Sharp,	61 25	
Richard Taylor,	182	
Nathaniel Reynolds,	50	
James Stone,	12 50	
Hezekiah Smallwood,	53 50	
Benjamin R. Pollard,	260	
Braxton, a colored man,	10	
John Breathitt,	262 60	
Anthony Crockett,	271	
Henry Wingate,	234	
C. and J. Samuel,	428 83	
James Wight,	143 03	
Joe, a colored man,	10	
G. J. Johnson,	260	
Gervas E. Russell,	132	
Harry Mordecai,	15 50	
Littleberry Batchelor,	234	
Harry Mordecai and others,	11	
F. B. Trimble,	10	
Appropriation for rebuilding the Capitol,	20,000	

Jno. H. Tyler and Tho. Griffy,	200	
Jacob H. Holeman,	2,905	37
James M'Kinny and John Vickere,	90	
Edmund H. Taylor,	34	62
A. Kendall and Co.	1,200	
Appropriation to committees to visit Lexington and Danville,	42	
James Stonestreet,	560	
Wade and Stout,	102	18
John Woods,	156	89
Roger Devine,	25	
Jno. Snyder,	45	33
Samuel Payne,	100	
James Shannon,	4	
Charles Hutchison,	144	50
William F. Miller,	80	75
James Honaker, &c. commissioners of the road leading from Mountsterling to the Virginia line by way of Prestonsburg,	995	
Hawkins and Brizendine,	10	50—32,066 66
Sheriffs for revenue of 1827: Revenue overpaid,		320 77
Sheriffs for revenue of 1826: Revenue overpaid,		101 33
Slaves executed: Hung by order of Warren Circuit Court,	412	
Ditto, Bourbon, Ditto,	389	—801
Purchasers of Non-residents lands: For redemption of lands sold for taxes,		10 94
Commissioners of Tax; Taking in lists of taxable property,		6,722 75
Appropriations December session, 1827: For taxes overpaid,		5 62
Electors: For their attendance at Frankfort to vote for President and Vice-President,		395 66
Total amount of warrants issued from the 11th day of October, 1828, to the 10th day of October, 1829, inclusive,	147,714	62
Warrants unpaid on the 10th day of October, 1828, which is to be added to the above amount,	2,792	92
Making a sum of	\$150,507	54
Deduct therefrom the amount of warrants reported to have been paid by the Treasurer. during the year ending 10th day of October, 1829, as in statement No. 1.	147,709	78
Leaving a balance of warrants unpaid on the 10th day of October, 1829, of	\$ 2,797	76



## No. 3.

*A statement of Debts due to Government on the 10th day of October 1829, to-wit:*

Of the revenue collectable by sheriffs

For the year	1793	\$ 104 06
Ditto	1794	138 61
Ditto	1796	1,805 36
Ditto	1798	101 36
Ditto	1799	217 25
Ditto	1800	172 26
Ditto	1802	31 99
Ditto	1803	1,662 21
Ditto	1806	613 26
Ditto	1807	279 43
Ditto	1809	48 58
Ditto	1811	52 44
Ditto	1815	10 26
Ditto	1817	754 54
Ditto	1819	942 86
Ditto	1820	472 30
Ditto	1821	2,044 02
Ditto	1823	899 44
Ditto	1824	578 86
Ditto	1825	1,119 01
Ditto	1826	19 70
Ditto	1827	729 99

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\$12,797 79

Debts receivable,	7,127 83
Tax on Bank Stock,	1,105 06
Clerks for Taxes,	3,778 82
Loans to the Penitentiary,	58,766 10
Treasurer Town of Columbus,	577 80

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Total amount of debts due to Government on the 10th day of October, 1829, \$ 84,153 41

Bank Stock: Amount of Stock owned by the State in the Bank of Kentucky on the 10th day of October, 1829, 238,630

Ditto in the Bank of the Commonwealth of Kentucky, same date, 542,558 63

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Total amount of Stock owned by the State, \$781,238 63

## No. 4.

*A statement of Debts due from Government on the 10th day of October 1829, and for which the Treasury is bound for the payment on the same day, under the existing laws, to-wit:*

Sheriffs for revenue 1813: Revenue overpaid,	8 32
Ditto, 1822, ditto,	1 02
Attornies for 1819,	86 96
Purchasers of Non-residents lands,	250 54
Town of Columbus,	1,506 10
Warrants unpaid,	2,797 76
Attornies, salaries,	1,427 47
Salaries, Executive and Judiciary,	5,827 68
Treasurer Town of Waidsborough,	05

Total amount of debts due from Government on the 10th day of October, 1829, \$11,905 90

## No. 5.

*A statement shewing the debits and credits of the Revenue of 1827, due from Sheriffs during the year ending on and including the 10th day of October, 1829, to-wit:*

## DEBITS.

Balance on the books 10th Oct. 1828,	\$69,146 06
Additional lists filed,	844 21
Costs charged,	17
Warrants issued for accounts overpaid,	320 77
Total charged,	70,328 04

## CREDITS.

By amount paid Treasurer,	\$58,035 67
Wolves killed and credited,	1,309 50
Commission for collecting,	5,114 37
Delinquents, exonerations, forfeited lands and errors credited,	5,132 51
Total credits,	\$69,598 05

Balance due Government on the 10th day of October, 1829, as per statement No. 3, \$ 729 99

## No. 6.

*A statement shewing the debits and credits of the accounts of Clerks, for the collection of law process, deeds, seals, &c. for the year ending on and including the 10th day of October, 1829, to-wit:*

## DEBITS.

Balance due on the 10th day of October, 1828,	\$ 5,010 54
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Dec. 9.]

## THE SENATE.

29

Accounts rendered and charged,	10,550 80	
Costs charged,	192 63	
	<hr/>	
Total charged,		\$15,753 97
CREDITS.		
By amount paid Treasurer,	\$11,494 73	
Commission for collecting,	480 42	
	<hr/>	
Total credits,		\$11,975 15
Balance due Government on the 10th day of October, 1829, as per statement No. 3,		\$ 3,778 82

## No. 7.

*A statement shewing the probable amount of expenditures of the Government for the year ending on and including the 10th day of October, 1830, to-wit:*

Jailors attending Circuit Courts, &c.	\$7,500
Executive offices, for fuel, stationary, &c.	2,300
Public Printers, for advertising Non-residents lands,	150
Distributing Acts and Journals Dec. session 1829,	300
Public communications,	1,000
Criminal prosecutions,	16,000
Contingent expences,	2,000
For the amount of the salaries of the officers of the Executive and Judiciary departments, Attorney General and Attornies for the Commonwealth,	30,000
Military expenditures,	300
Lunatics and Idiots,	9,000
Decisions Court of Appeals,	3,000
For the ex-officio services of Clerks, record books, &c.	9,000
Kentucky Institution for the tuition of the Deaf and Dumb,	2,000
Money refunded, taxes twice paid, &c.	600
Lunatic Asylum,	6,000
Sheriffs comparing polls,	600
Legislature, December session, 1829, and all expences incident thereto, supposing the Legislature to sit seven weeks,	40,000
For the execution of Slaves,	2,000
Purchasers of Non-residents lands,	200
Commissioners of Tax: For taking in lists of taxable property,	8,000
Printing and binding Acts and Journals of December session, 1829,	3,000
Drawback on vacant lands,	125
Sheriffs for revenue overpaid,	300
	<hr/>
Total amount expected to be expended,	\$143,376



## No. 8.

*A statement of the amount of monies which is expected to be paid into the Treasury during the year ending on and including the 10th day of October, 1830, subject to the expences of Government, to-wit:*

The gross amount of revenue collectable by Sheriffs for the year 1828, and made payable on the 1st Monday in December next, is \$73,806 55

The loss on the collection of the revenue by the Sheriffs, including commissions, delinquents, exonerations and compensation for killing Wolves, is presumed will be about 18 per cent amounting to, 13,285 17

Leaving, \$60,521 38

Of which said revenue was paid previous to the 10th day of October, 1829, 787 84

The delinquents on the part of Sheriffs this year will be 2,000 —2,787 84

Which leaves a sum which may be expected with some certainty to be collected and paid into the Treasury the ensuing year, of \$ 57,733 54

From Clerks for taxes on law process, deeds, seals, &c. including the amount expected to be received from the Secretary of State and Register of the Land office, will be about 12,000

For Miscellaneous receipts, 50

For taxes on Non-residents' lands 2,400

From the Bank of the Commonwealth of Kentucky 10,000

From Bank Stock fund, viz: vacant and headright lands, 2,400

For sale of lands east and west of Cumberland river, 150

For sale of lands west Tennessee river, 18,000

From forfeited lands and warrants to confirm titles to forfeited lands, 50

Of the balances stated to be due Government as in statement No. 3, will be collected of the revenue due from Sheriffs about 1,500

Ditto, from Clerks, 2,000

Ditto, as due from Treasurer Town of Columbus, 577 80

Of the other balances nothing is expected to be collected.

Total amount expected to be received, \$106,861 34

Balance due from Government as per statement No. 1 54,465 61

Ditto, ditto, No. 4 11,905 90

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Amount of Statement, No. 7

143,375 00

Making

\$209,746 51

From which deduct the amount expected to be received as stated above,

106,861 34

Leaving a balance due from Government on the 10th day of October, 1830, of

\$102,885 17

## No. 9.

*A statement exhibiting the amount of Revenue receivable by the Clerks and Sheriffs of each county, during the year ending on and including the 10th day of October, 1829, and the amount of expenditures of each county same time, also, shewing the difference between the revenue and expenditures.*

Counties.	Amount of Revenue.	Amount of expenditures.	Nett revenue	Expenses exceeding Rev.
Adair	845 93	714 44	131 49	
Allen	624 43	444 31	180 12	
Anderson	531 67	295 43	236 24	
Bracken	588 70	220 20	368 50	
Bullitt	560 37	584		23 63
Bourbon	4342 94	1445 32	2897 62	
Bath	1022 30	609 25	414 05	
Barren	1550 86	572 94	977 92	
Breckenridge	936 74	645 30	291 44	
Boone	975 22	463 81	511 41	
Butler	206 58	274 66		68 08
Campbell	908 61	524 85	383 73	
Caldwell	874 37	727 29	147 08	
Cumberland	672 33	827 05		154 67
Christian	2000 33	917 64	1082 69	
Clarke	2181 07	772 05	1409 02	
Clay	272 47	548 02		268 55
Calloway	214 35	822 49		608 14
Casey	323 01	246 56	31 45	
Daviess	421 08	372 72	48 33	
Edmundson	304 60	367 56		62 96
Estill	330 10	279 40	50 70	
Fleming	1470 34	713 97	756 37	
Franklin	1740 31	971 13	769 18	
Fayette	5357 98	2306 13	3051 85	
Floyd	267 81	478 35		210 54
Garrard,	1457 04	576 16	880 88	
Green,	1652 62	1084 31	568 31	

Counties.	Amount of revenue.	Amount of expenditures.	Nett revenue.	Expenses exceeding Rev.
Greenup	540 84	818 42		277 58
Gallatin	615 11	245 73	366 38	
Graves	92 03	519 76		427 73
Grant	263 41	378 36		114 95
Grayson	259 63	411 70		152 07
Harrison	1699 01	945 48	753 53	
Hardin	1077 37	660 69	416 77	
Hart	425 89	604 38		178 49
Henderson	741 17	293 44	447 73	
Hancock		94 28		94 28
Hopkins	582 11	277 63	304 48	
Henry	1302 90	792 07	507 83	
Hickman	202 28	1026 82		824 54
Harlan	166 54	754 63		588 09
Jefferson	4071 44	3608 57	462 87	
Jessamine	1412 77	624 69	788 08	
Knox	310 84	408 65		97 81
Lincoln	1690 27	1007 66	682 61	
Lawrence	139 83	626 01		486 18
Lewis	376 55	382 66		6 41
Livingston	684 90	616 20	68 70	
Logan	1740 11	837 15	902 96	
Laurel	136 29	476 91		340 62
Mason	2534 25	1701 58	832 67	
Morgan	132 26	219 25		86 99
Monroe	426 41	587 68		161 27
Mercer	2287 26	892 47	1394 79	
Madison	2562 54	1502 39	1060 15	
M'Cracken	43 62	124 23		80 61
Meade	438 78	348 81	96 97	
Montgomery	1352 35	431 97	921 38	
Muhlenburg	518 62	971		452 38
Nelson	2038 55	864 81	1173 74	
Nicholas	1170 44	561 30	609 14	
Oldham	1070 73	449 35	621 38	
Ohio	392 59	510 11		117 52
Owen	581 52	331 94	199 58	
Perry	142 03	673 16		531 18
Pike	111 94	398 57		286 68
Pendleton	377 45	253 23	124 22	
Pulaski	606 69	815 72		209 03
Rockcastle	263 73	648 34		384 61
Russell	307 87	287 68	20 19	
Shelby	3006 78	1017 19	1988 59	



Countries.	Amount of revenue.	Amount of expenditures.	Nett revenue.	Expenses exceeding Rev.
Scott	2233 29	1704 58	528 91	
Simpson	762 89	422 44	340 38	
Spencer	902 48	602 54	299 54	
Trigg	607 77	287 88	319 89	
Todd	1095 91	400 35	695 56	
Union	549 69	312 02	237 67	
Warren	1407 93	1291 35	116 58	
Woodford	2448 12	899 20	1548 92	
Whitley	184 49	754 34		569 85
Washington	1575 35	1096 76	478 59	
Wayne	600 54	671 07		70 53
	83909 30	57295 53	34549 64	7935 84

PORTER CLAY, Auditor Public Accounts.

Frankfort, October 10, 1829.

Ordered, That the said report be referred to the committee of finance.

The Speaker laid before the Senate a letter from Henry Wingate and Thomas S. Page, commissioners appointed to settle the accounts of Joel Scott, Keeper of the Penitentiary, enclosing their report; which letter and report are as follows, viz:

Frankfort, December 9, 1829.

DEAR SIR—Please lay before the House over which you preside, the enclosed statement, and oblige,

Yours respectfully,

HENRY WINGATE,

THOS. S. PAGE,

Commissioners.

JOHN BREATHITT, Esq. Lieut. Governor,  
and Speaker of the Senate.

By an act of the General Assembly, approved 29th January, 1829, appointing the undersigned commissioners for, and in behalf of the Commonwealth of Kentucky, to examine and settle the accounts between Joel Scott, Keeper of the Penitentiary, and the said Commonwealth, from the time said Scott assumed the management of said institution, up to the time of their examination and settlement. The commissioners appointed by said act would state, that it became necessary to fix upon some period to have the accounts closed, to enable them to make out a statement in accordance to said act; consequently, on the first day of February, 1829, the books were closed and the balances made up to that time; a statement of which is herewith reported, viz:

E

1785/

Debts due 1st February, 1829,	\$13,620 48	
Raw materials on hand same time,	2,676 47	
Manufactured articles on hand same time,	2,989 74	
	<hr/>	
Amounting to,		\$19,286 69
Credits standing on the books same time,	1,805 95	
Unsettled accounts due to individuals same time,	6,445 53	
Advances made by the Keeper up to same time,	5,486 48	13,737 96
	<hr/>	
Leaving,		5,584 78
From which deduct bad and doubtful debts about	945	
Leaving a balance due, 1st February, 1829, to the institution, of specie		\$4,603 73
Since the above settlement was made, the keeper has settled with the commissioners for rebuilding the State House, by which they fall in his debt \$9,766 32, Commonwealth's paper, equal to specie,		
	8,536 78	
Also, for orders not brought into this settlement, \$3,240, Commonwealth's paper, equal to		
	2,835	
	<hr/>	
Making,		\$11,371 78

Leaving a nett balance due the institution on the 1st day of February, 1829, (as all the above named work was done previous to that date,) of \$15,975 51

Out of the above named settlement made with the commissioners for rebuilding the State House, the keeper has settled with the Auditor Public Accounts, the balance due from him for a loan received from the State, at the time he commenced his duties as keeper aforesaid, together with the interest due, amounting to \$6,131, Commonwealth's paper, which will be accounted for in a subsequent settlement with him.

We have examined the improvements of machinery, &c. that the keeper has made in the institution, since he has had the same under his management and control, and we calculate its value to be worth, (previous to the 1st February, 1829,) at the least calculation, \$5,700; the increase in the tools to be worth \$1,000. We have not taken into consideration in this statement, the provisions or fuel, of which there is a large supply.

We would remark, that the settlement of which the foregoing is a statement, has been made as accurate as it can be done, the most of which has been settled after the usual business hours.

It is impossible that a full and final settlement can be made with the keeper, while the institution is in operation, owing to the

great number of unsettled accounts, a great part of which are carried on in the way of barter; to make a final settlement so as to ascertain the true and exact situation of the institution, it will be necessary that all business should cease and the accounts closed.

In conclusion, we beg leave to say, that we found the books of the institution in good order and the accounts correctly stated.

All of which is respectfully submitted,

H. WINGATE.

THOS. S. PAGE.

*Frankfort, December 1, 1829.*

*Commissioners.*

*Ordered,* That the said report be referred to the committee of finance.

Mr. Green presented the petition of sundry citizens of Ohio county, praying that a law may pass authorizing Thomas Taylor and George Shrader to build a mill dam across Rough creek, in said county.

Which petition was received, read and referred to the committee of propositions and grievances.

The Speaker laid before the Senate, a letter from Charles Humphreys, Esq. proposing to sell to the State, a number of copies of his Compendium of the Common Law.

Which letter was read and referred to the committee of courts of justice.

Mr. Hardin from the committee of finance, reported a bill further to regulate the Bank of the Commonwealth.

Which was read the first time and ordered to be read a second time.

And the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to a committee of the whole house for Friday next.

*Ordered,* That the public printers print one hundred and fifty copies of the said bill for the use of the General Assembly.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

*Gentlemen of the Senate:*

Since the adjournment of the Legislature, in January, 1829, the following officers have been commissioned until the end of your present session.

I, therefore, nominate them for your advice and consent, to be commissioned for the offices respectively annexed to their names, viz:

Daniel Mayes, to be Judge of the 4th judicial district, vice Henry Davidge resigned.

Fountain T. Fox, to be attorney for the Commonwealth for the 12th judicial district vice John Kincaid resigned.



Lewis Collins, to be notary public in and for the county of Mason vice Charles E. Wolf resigned.

James Bradley, to be sheriff of Christian county vice Francis P. Pennington resigned.

John Hibbard, to be sheriff of Clay county vice E. W. Bowman refused to act.

Thomas W. Graham, to be sheriff of Floyd county vice Andrew Rule who failed to give security.

Samuel Pryor, to be sheriff of Henry county vice W. M. Rice deceased.

Chasteen T. Dunaven, to be sheriff of Warren county vice William R. Payne resigned.

Harris W. Thompson, to be sheriff of Lawrence county vice Lewis Willman who failed to give bond.

Archibald W. Naylor, to be sheriff of M'Cracken county vice Samuel Hunsaker removed.

Peter Dudley, to be adjutant general of the State of Kentucky vice O. G. Waggener resigned.

Uriah B. Chambers, to be inspector of the 3d division vice W. Rodes resigned.

S. S. Moreland, to be inspector of the 4th division.

William Parcell, to be quarter-master do. do.

William D. Payne, do. 6th do.

Jacob Oglesby, to be inspector do. do.

John T. Worthington, to be quarter-master of the 8th division vice E. Worthington resigned.

Robert Matsen, to be major general of the 10th division vice A. S. Hughes resigned.

Ezekiel Thruston, to be quarter-master of the 10th division vice Thomas C. Bledsoe removed.

James Roberts, to be brigadier general of the 2d brigade vice Thomas Baird resigned.

James M'Connell, to be brigadier general of the 3d brigade vice John M. M'Calla promoted.

John C. Richardson, to be quarter master of the 6th brigade vice Charles P. Bacon resigned.

John O. Pawling, to be quarter-master of the 7th brigade vice Thomas M'Kee deceased.

Charles H. Talbott, to be quarter-master of the 9th brigade.

Johnson J. Cockerill, to be brigadier general of the 11th brigade vice Archibald M. Campbell resigned.

John N. Payne, to be quarter-master of the 15th brigade.

Henry North, to be do. 21st do.

Leonard Stephens, to be brigadier general of the 22d brigade vice Benjamin Fowler resigned.

Charles Sebastian, to be quarter-master of the 23d brigade.

Jarvis Jackson, to be brigadier general of the 24th brigade vice Joseph Eve resigned.

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John S. Morgan, to be quarter-master of the 25th brigade vice E. Tuggle refused to accept.

Thomas Jamison, to be quarter-master of the 27th brigade vice John Boyd removed.

Simeon Buford, to be quarter-master of the 3d brigade.

Charles L. Harrison, to be lieut. colonel of the 1st regiment vice John Doup stricken off to the 122d regiment.

Frederick Turner, to be major of the 1st regiment vice Charles L. Harrison promoted.

James M'Elroy, to be colonel of the 4th regiment vice T. Lyons removed.

Sylvester Elder, to be lieut. colonel of the 4th regiment vice James M'Elroy promoted.

Samuel Knott, to be major of the 4th regiment in the place of Sylvester Elder promoted.

Henry Chrisman, to be major of the 9th regiment vice John Whips removed.

David Harp, to be lieut. colonel of the 10th regiment vice S. B. Jessup resigned.

Alexander Robinson, to be major of the 10th regiment vice David Harp promoted.

Joseph H. Woolfolk, to be colonel of the 11th regiment vice James M'Connell promoted.

Medley Shelton, to be lieut. colonel of the 11th regiment vice J. H. Woolfolk promoted.

Wm. Woolfolk, to be major of the 11th regiment in the place of Medley Shelton promoted.

Wm. Johnson, to be colonel of the 12th regiment vice James Patterson resigned.

John Pratt, to be lieut. colonel of the 12th regiment vice William Johnson promoted.

Thomas T. Boyce, to be major of the 12th regiment vice John Pratt promoted.

M. R. Arnold, to be colonel of the 13th regiment vice W. M' Cormack refused to accept.

William H. Russell, to be lieut. colonel of the 13th regiment vice M. R. Arnold promoted.

R. F. Barnett, to be major of the 13th regiment vice J. Buckhannon resigned.

Stephen Lee, to be lieut. colonel of the 15th regiment vice J. Hunter resigned.

Jacob A. Slack, to be major of the 15th regiment.

Jeremiah Hatcher, to be lieut. colonel of the 16th regiment vice Wm. Cakely removed.

Aaron B. Sandige, to be major of the 16th regiment vice J. Hatcher promoted.

Michael Fry, to be lieut. colonel of the 20th regiment vice G. W. Berry removed.

Nelson Cason, to be major of the 20th regiment vice Michael Fry promoted.

Thomas W. Hart, to be major of the 21st regiment.

Thomas L. Tate, to be colonel of the 22d regiment vice Peter Dudley resigned.

Thomas B. Monroe, to be lieut. colonel of the 22d regiment vice Thomas L. Tate promoted.

Alexander H. Rennick, to be major of the 22d regiment vice Thomas B. Monroe promoted.

Elijah Hickman, to be colonel of the 23d regiment vice Thomas Grubbs resigned.

Alexander Coleman, to be major of the 24th regiment vice James Cruce promoted.

John Waller, to be colonel of the 29th regiment vice J. S. Morris refused to accept.

John Dougherty, to be lieut. colonel of the 29th regiment vice John Waller promoted.

Thomas Hord, to be major of the 29th regiment vice John Dougherty promoted.

John Williams, to be colonel of the 31st regiment vice W. Wilkerson resigned.

Josiah Davis, to be lieut. colonel of the 31st regiment vice W. D. Orear deceased.

James M'Kee to be major of the 31st regiment vice Josiah Davis promoted.

Joseph Bowman, to be major of the 32d regiment vice A. E. Hubbard resigned.

James W. Tyler, to be colonel of the 33d regiment vice J. Newkirk resigned.

George Bridges, to be lieut. colonel of the 33d regiment vice J. Shroeder resigned.

H. G. Smith, major of the 33d regiment vice James W. Tyler promoted.

Charles Glover, to be major of the 34th regiment vice D. P. Smart removed.

Eli Park, to be lieut. Colonel of the 35th regiment vice John Noland refused to accept.

Joshua Noland, to be major of the 35th regiment vice Eli Park promoted.

James M'Kinney, to be colonel of the 39th regiment vice S. D. B. Stewart resigned.

Robert Dunkinson, to be lieut. colonel of the 39th regiment vice James M'Kinney promoted.

John J. Thompson, to be major of the 39th regiment vice D. Johnson resigned.

William C. M'Nary, to be major of the 40th regiment vice B. G. Calvert resigned.



Tandy Sandifer, to be major of the 41st regiment vice Thomas K. Newman promoted.

Charles F. Burton, to be lieut. colonel of the 43d regiment vice W. C. Cowan resigned.

John A. Davenport, to be major of the 43d regiment vice Charles F. Burton promoted.

Daniel Swiney, to be colonel of the 44th regiment vice W. Ping resigned.

Elias Woods, to be lieut. colonel of the 44th regiment vice Daniel Swiney promoted.

George Breckinridge, to be lieut. colonel of the 47th regiment vice Allen Trigg resigned.

Daniel S. Bradley, to be major of the 47th regiment vice George Breckinridge resigned.

Benjamin Duke Beall, to be colonel of the 48th regiment vice George M. Beall resigned.

James Thatcher, to be lieut. colonel of the 48th regiment vice Ben. Duke Beall promoted.

James Spillman, to be major of the 48th regiment vice James Thatcher promoted.

Richard W. Barnett, to be lieut. colonel of the 49th regiment vice W. A. Carter resigned.

Tucker W. Ragsdale, to be major of the 49th regiment vice R. M. Taylor resigned.

Thomas Easterday, to be colonel of the 51st regiment vice Jesse Lindsey promoted.

William O. Butler, to be lieut. colonel of the 51st regiment vice Thomas Easterday promoted.

Willam White, to be major of the 51st regiment vice Wm. O. Butler promoted.

James Jones, to be lieut. colonel of the 53d regiment vice A. Davis resigned.

Joseph Bookout, to be major of the 53d regiment vice James Jones promoted.

George Powell, to be lieut. colonel of the 56th regiment vice William Williams resigned.

John Ashbrook, to be colonel of the 59th regiment vice George Dowell refused to accept.

Amos Walters, to be colonel of the 60th regiment vice Martin Hardin resigned.

D. Sumpkin, to be lieut. colonel of the 60th regiment vice Hensley Read resigned.

William Prather, to be major of the 60th regiment vice Amos Walters promoted.

Thomas Sutton, to be colonel of the 64th regiment vice John J. Cockerill promoted.

George W. Mansfield, to be lieut. colonel of the 64th regiment vice Thomas Sutton promoted.

Samuel Carpenter, to be major of the 64th regiment vice G. W. Mansfield promoted.

Samuel Stone, to be colonel of the 65th regiment vice Geo. Lansdown resigned.

John A. Turner, to be lieut. colonel of the 65th regiment vice Samuel Stone promoted.

Taliferro Young, to be major of the 65th regiment vice John A. Turner promoted.

J. H. Puckett, to be lieut. colonel of the 66th regiment vice G. W. Cook refused.

William Henelson, to be major of the 66th regiment vice Urbin E. Sharp removed.

Bannister Wall, to be colonel of the 73d regiment vice Wm. Newton promoted.

James L. Holmes, to be lieut. colonel of the 73d regiment vice J. H. Priest resigned.

Richard C. Jett, to be major of the 73d regiment vice Banister Wall promoted.

Thomas Ferrol, to be colonel of the 74th regiment vice R. L. Smith promoted.

Dykeman Shucke, to be lieut. colonel of the 74th regiment vice Thomas Ferrol promoted.

M. Slaughter, to be major of the 74th regiment vice D. Shucke promoted.

Lott Pittman, to be colonel of the 75th regiment vice Jarvis Jackson promoted.

Wm. Farris, to be lieut. colonel of the 75th regiment vice Lott Pittman promoted.

Ephraim Jones, to be major of the 75th regiment vice Wm. Farris promoted.

Thomas Vallandingham, to be colonel of the 77th regiment vice J. D. Oldham removed.

A. Withers, to be lieut. colonel of the 77th regiment vice Thomas Vallandingham promoted.

Henry Haun, to be major of the 77th regiment vice A. Withers promoted.

James Ferrill, to be colonel of the 79th regiment vice C. C. Carson resigned.

John Evans, lieut. colonel of the 79th regiment vice James Ferrill promoted.

Charles Colyer, to be major of the 79th regiment vice J. Evans promoted.

Levin Oliver, to be lieut. colonel of the 84th regiment vice James Early resigned.

Blake Baker, to be major of the 84th regiment vice Levin Oliver promoted.

William Bain, to be lieut. colonel of the 85th regiment vice Fleming P. Rogers removed.

Robert Duke, to be major of the 85th regiment vice Wm. Bain promoted.

John O. Beaseman, to be colonel of the 86th regiment vice J. Wilson removed.

David Snodgrass, to be lieut. colonel of the 86th regiment vice J. B. Carnagy removed.

James Chambers, to be major of the 86th regiment vice J. O. Beaseman promoted.

Charles T. Chilton, to be colonel of the 88th regiment vice James Roberts promoted.

James Green, to be lieut. colonel of the 88th regiment vice Charles T. Chilton promoted.

Benjamin Allen, to be major of the 88th regiment vice James Green promoted.

Joel Wilhite, to be lieut. colonel of the 90th regiment vice E. Cook stricken off to the 52d regiment.

Daniel Sherrer, to be major of the 90th regiment vice J. Wilhite promoted.

David J. Burks, to be lieut. colonel of the 91st regiment vice G. W. Call resigned.

James V. Walker, to be major of the 91st regiment vice D. J. Burks promoted.

Samuel Marshall, to be major of the 99th regiment vice Joseph Peace resigned.

Nicholas F. Thomas, to be colonel of the 100th regiment vice Robert Jones resigned.

James H. Sale, to be lieut. colonel of the 100th regiment vice N. F. Thomas promoted.

Sidnor D. Hanks, to be major of the 100th regiment vice George Wiant removed.

Absalom Ashcraft, to be colonel of the 103d regiment vice J. Dowell refused to accept.

Lewis Triplett, to be lieut. colonel of the 103d regiment vice A. Ashcraft promoted.

Peter Frawce, to be major of the 103d regiment vice Lewis Triplett promoted.

Briant Lénaur, to be colonel of the 105th regiment vice Leonard Stephens promoted.

Daniel Robbins, to be lieut. colonel of the 105th regiment vice B. Lénaur promoted.

James Flippen, to be colonel of the 109th regiment vice Richardson P. Hughes resigned.

Radford Maxey, to be lieut. colonel of the 109th regiment vice James Flippen promoted.

Philip Emmert, to be major of the 109th regiment vice Radford Maxey promoted.

James B. Blair, to be lieut. colonel of the 114th regiment vice Wm. Reyburn removed.



Henry Shoults, to be major of the 114th regiment vice James B. Blair promoted.

Samuel B. Steele, to be colonel of the 116th regiment vice J. Shirley resigned.

Robert K. White, to be lieut. colonel of the 116th regiment vice Samuel B. Steele promoted.

Abraham Kightley, to be major of the 116th regiment vice Robert K. White promoted.

John Wallace, to be colonel of the 120th regiment vice Thomas Nelson resigned.

James Records, to be lieut. colonel of the 120th regiment vice Daniel Roberts resigned.

William R. Stephens, to be major of the 120th regiment vice J. Wallace promoted.

Henry Tye, to be lieut. colonel of the 121st regiment vice H. Tuggle resigned.

John Riggle, to be major of the 121st regiment vice H. Tye promoted.

John Doup, to be colonel of the 122d regiment.

Wm. H. Ransdale, to be lieut. colonel of the 122d regiment.

Andrew Hikes, to be major of the 122d regiment.

Nimrod L. Finnell, quarter-master of the 3d division vice U. B. Chambers promoted.

Robert Rollins, to be colonel of the 21st regiment vice James Browning.

Wm. R. Hand, to be lieut. colonel of the 21st regiment vice Robert Rollins promoted.

Enos Cook, to be lieut. colonel of the 52d regiment to take rank from 1st July 1826.

David H. Thomason, to be lieut. colonel of the 76th regiment vice John Allen resigned.

James Taylor, Jr. to be quarter-master of the 13th division vice Samuel Winston resigned.

Alexander Coleman, to be lieut. colonel of the 24th regiment vice James Cruce resigned.

John W. Simpson, to be colonel of the 55th regiment vice Wm. J. Harris deceased.

Joseph W. Fowler, to be lieut. colonel of the 55th regiment vice John W. Simpson promoted.

Wm. Johnson, to be major of the 55th regiment vice Joseph W. Fowler promoted.

THOMAS METCALFE.

*December 9, 1829.*

The said nomination of Daniel Mayes, to be judge of the fourth judicial district vice Henry Davidge resigned, having been read, Mr. Summers presented the remonstrance of John F. Henry

against said appointment; which was read, and with the said nomination, referred to the committee of courts of justice.

Mr. Hardin moved to commit the nomination of James Bradley, to be sheriff of Christian vice Francis P. Pennington resigned, to a select committee.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Maupin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Cunningham, Faulkner, Fleming, Fulton, George, Green, Griffin, Hardin, Maupin, Owsley, Ray, Rodman, Selby, Stephens, Taylor, Thompson and Wickliffe—20.

NAYS—Messrs. Edwards, Gibson, Hughes, M'Millan, M'Connell, Payne, Rudd, Summers, Thornton, Townsend, White, Williams, Wingate and Wood—14.

Messrs. Hardin, Summers and Payne were appointed said committee.

The said nomination of John Hibbard, to be sheriff of Clay county vice E. W. Bowman refused to act, was referred to the same committee, and Messrs. Wickliffe and George were added thereto.

The said nomination of Chasteen T. Dunavan, to be sheriff of Warren county vice William R. Payne resigned, was referred to same committee.

The said nomination of Charles L. Harrison to be lieutenant of the 1st regiment vice John Doup stricken off to the 122d regiment, was referred to the same committee and Messrs. Hughes and Maupin were added to said committee.

Mr. Maupin moved that the said committee have power to send for persons, papers and records for their information.

And the question being taken on said motion it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Rodman, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Hardin, Hughes, Maupin, Ray, Rodman, Taylor, Thompson and Thornton—10.

NAYS—Messrs. Brown, Cunningham, Edwards, Faulkner, Fleming, Fulton, George, Gibson, Green, Griffin, M'Millan, M'Connell, Owsley, Payne, Rudd, Selby, Stephens, Summers, Townsend, White, Wickliffe, Williams, Wingate and Wood—24.

The said nominations of Thomas W. Graham, to be sheriff of Floyd county vice Andrew Rule who failed to give security.

Frederick Turner, to be major of the 1st regiment vice Charles L. Harrison promoted.

Stephen Lee, to be lieutenant colonel of the 15th regiment vice J. Hunter resigned.

Jacob A. Slack, to be major of the 15th regiment.

John Waller, to be colonel of the 29th regiment vice J. S. Morris refused to accept.

John Dougherty to be lieut. colonel, and Thomas Hord major of the same regiment.

D. Lumpkin, to be lieut. colonel of the 60th regiment vice Hensley Read resigned; and,

Nicholas F. Thomas, to be colonel of the 100th regiment vice Robert Jones resigned; were laid on the table.

*Resolved*, That the Senate advise and consent to the appointments of all the other persons nominated.

*Ordered*, That Messrs. Thompson and Stephens inform the Governor thereof.

A message was received from the House of Representatives announcing the passage of bills by that body, of the following titles, viz:

An act to authorize the Lexington White Lead Manufacturing Company to close and dispose of said establishment; and,

An act to enlarge the capital stock of the Louisville and Portland canal company.

The said bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the latter bill having been dispensed with,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

On the motion of Mr. Faulkner—

Leave was given to bring in a bill to prohibit the confinement of slaves, purchased by negro traders, in the jails of this Commonwealth, and for other purposes; and Messrs. Faulkner, Barrett and Thornton were appointed a committee to prepare and bring in the same.

On the motion of Mr. Rodman—

Leave was given to bring in a bill to reduce the number of trustees of the Newcastle seminary, and Messrs. Rodman, Fleming and Taylor were appointed a committee to prepare and bring in the same.

On the motion of Mr. M'Connell—

*Resolved*, That the committee of courts of justice inquire into the expediency of amending the laws in relation to the duties and responsibilities of executors, administrators and guardians, and in relation to the distribution of the estates of deceased persons, which are inadequate to the payment of the debts against them, and that said committee report by bill or otherwise.

Mr. Wickliffe moved the following resolutions, viz:

1. *Resolved*, That so much of the Governor's message as relates to the subject of Education and Transylvania University, be referred to the committee of courts of justice.

2. That so much of said message as relates to the Lexington



and Maysville turnpike company, and the subject of Internal Improvement, be referred to the committee of Internal Improvement.

3. That so much of the said message as relates to the Penitentiary, be referred to a select committee.

4. That so much of said message as relates to certain resolutions of the States of Georgia, South-Carolina, Virginia and Mississippi, be referred to the committee of courts of justice.

5. That so much of said message as relates to the situation of the Bank of the Commonwealth and of the Treasury, be referred to the committee of finance.

The said resolutions being twice read; on the motion of Mr. Hardin the fourth resolution was amended by striking out the words, "the committee of courts of justice," and inserting in lieu thereof, "a select committee."

On the motion of Mr. Wickliffe, the first resolution was amended in the same manner.

The said resolutions were then adopted, and Messrs. Wickliffe, Faulkner, Allen, Fleming, Stephens, Rudd and Owsley were appointed a committee pursuant to the first resolution, and Messrs. M'Connell, Brown, White, Rodman, Summers, Harris and Wall the third, and Messrs. Selby, Hardin, Edwards, Wingate, Thompson, Thornton and Campbell the fourth.

On the motion of Mr. Wickliffe—

*Resolved*, That the committee of courts of justice inquire into the expediency of amending the laws regulating the General Court and Circuit courts.

And then the Senate adjourned.

#### THURSDAY, DECEMBER 10, 1829.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills which originated in that body of the following titles, viz:

An act to provide for the appointment of trustees to the Lancaster seminary.

An act to continue in force "an act for the benefit of the head-right and Tellico settlers, and for other purposes."

An act to allow the Independent Banks in this Commonwealth further time to settle their concerns.

An act to enlarge the constable's bounds on Beaver creek in Harrison county.

An act to amend an act entitled, "an act appropriating fines and forfeitures for the purposes of promoting education."

An act to enlarge the constable's district in Scottville, in Allen county.

An act for the benefit of Ann Angel, relict of William Angel, deceased; and,

An act to amend the duelling laws.

And the passage of a bill which originated in the Senate, entitled, an act authorizing certain advertisements to be inserted in the Kentucky Intelligencer, printed in Flemingsburg.

The Speaker laid before the Senate a letter from the Treasurer, covering his annual report of the state of the Treasury; which letter and report are as follows, viz:

TREASURY OFFICE,

Frankfort, 10th December, 1829. }

SIR:—You will please lay before the honorable house over which you preside, the enclosed statement, which gives a concise view of the situation of the Treasury Department, from the 11th day of October, 1828, to the 10th day of October, 1829, inclusive.

I have the honor to be, very respectfully,

Your obedient servant,

JAMES DAVIDSON, *Treasurer.*

HON. JOHN BREATHITT, *Lieut. Gov. and Speaker of the Senate.*

No. 1.

*A statement showing the amount of monies received by the Treasurer, (under their appropriate heads,) from the 11th day of October, 1828, to the 10th day of October, 1829, inclusive.*

BANK STOCK FUND.

From Headright lands,	\$652 87	
“ vacant lands,	1,935 10	—2,587 97
“ lands west of Cumberland river		143
“ lands east of Cumberland river,		3 35
“ Sheriffs for revenue,		61,396 05
“ Clerks for taxes on law process,	10,527 92	
“ Register of the land office,	937 36	
“ Secretary of State,	29 45	—11,494 73
“ non-residents' lands,		2,102 41
“ miscellaneous receipts,		76 44
“ lands west of Tennessee river,		23,196 15
“ warrants to be laid on forfeited lands,		30
“ warrants to confirm titles to forfeited lands,		10
“ Treasurer of the town of Mayfield,		48 95
“ allowances over drawn,		20
“ Bank of Kentucky for Stock,		29,835
“ Bank of the Commonwealth of Kentucky, (net profits,)		23,116 75
		<hr/>
		\$154,065 80

## No. 2.

*A statement showing the amount of monies paid by the Treasurer, (under their appropriate heads,) from the 11th day of October, 1828, to the 10th day of October, 1829, inclusive.*

Salaries of the Executive and Judicial departments,	\$24,311 80
Appropriations, December Session, 1827,	5 62
Appropriations, December Session, 1828,	32,066 66
Lunatics,	8,647 97
Criminal prosecutions,	14,660 91
Jailors,	5,859 78
Clerks services,	8,751 33
Sheriffs for revenue,	422 10
Sheriffs for comparing polls,	1,879 07
Commissioners of tax,	6,707 23
Executive offices,	1,982 96
Contingent expenditures,	1,359 66
Decisions of the Court of Appeals,	1,324
Military Expenditures,	262 86
Distribution of the Acts and Journals,	291 75
Slaves executed,	801
Lunatic Asylum,	11,900
Kentucky Institution for the tuition of the Deaf and Dumb,	1,650 66
Money refunded,	235 56
Purchasers of non-residents' lands,	10 94
Public communications,	933 31
Attornies for the Commonwealth,	4,292 23
Internal Improvement,	1,094 70
Electors,	395 66
Legislature, December Session, 1828,	17,862 02
Total amount of warrants,	147,709 78
Amount paid on military warrants,	28 54
Amount of stock subscribed in the Bank of the Commonwealth,	29,835,
Balance due from the Commonwealth, 10th October, 1828,	30,953 09
	208,531 41
From which deduct amount of monies received as per statement No. 1.	154,065 80
Leaving a balance due from the Commonwealth, 10th October, 1829,	54,465 61
Specie remaining in the Treasury,	790 60
There yet remains in the Treasury, Illinois money,	20 00

JAMES DAVIDSON, *Treasurer.*

Treasury Office, 10th Oct. 1829.



*Ordered*, That the said report be referred to the committee of finance.

Mr. Green presented the petition of sundry citizens of Ohio county, praying that a law may pass adding a part of said county to the county of Daviess.

Which petition was received, read and referred to the committee of propositions and grievances.

Mr. McMillan from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under their consideration, the petition of Jesse Corum, jailor of Greenup county, praying that a law may pass authorizing him to renew his bond of office, which he had omitted to do through mistake, and have come to a resolution thereupon, to-wit:

*Resolved*, That the said petition is reasonable.

Which was twice read and concurred in.

*Ordered*, That the said committee prepare and bring in a bill pursuant thereto.

Mr. Hardin made the following report, viz:

The select committee to whom were referred the nominations of James Bradley, as sheriff of Christian county vice Francis P. Pennington resigned; John Hibbard, sheriff of Clay county vice E. W. Bowman who refused to act; Chasteen T. Dunaven, sheriff of Warren county vice Will. R. Payne resigned, and Charles L. Harrison lieutenant colonel of the 1st regiment, have had the same under consideration, and report: That as to James Bradley and John Hibbard, that no consideration was given to induce Francis P. Pennington to resign or E. W. Bowman to refuse to act, and as to Chasteen T. Dunaven there is some grounds of suspicion that he paid Wm. R. Payne some consideration to induce him to resign, but the proof is not sufficient to warrant the committee in saying such is the fact. The committee submit the following resolutions.

*Resolved*, That the Senate advise and consent to the appointment of James Bradley as sheriff of Christian county in the place of F. P. Pennington resigned.

*Resolved*, That the Senate advise and consent to the appointment of John Hibbard as sheriff of Clay county in the place of E. W. Bowman who refused to act.

*Resolved*, That the Senate advise and consent to the appointment of Chasteen T. Dunaven as sheriff of Warren county in place of Wm. R. Payne resigned.

As to the nomination of Charles L. Harrison, the committee submit the following resolution.

*Resolved*, That the committee have power to send for persons and papers.

Which was twice read and concurred in.

*Ordered*, That Messrs. Fleming and Rodman inform the Governor thereof.

A message in writing was received from the Governor by Mr. Crittenden, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

*Gentlemen of the Senate:*

I ask leave to withdraw the nomination, (made yesterday) of Stephen Lee as lieutenant colonel, and Jacob Slack as major of the 15th regiment, Kentucky militia, their nominations having heretofore been approved by the Senate; and also the nomination of John Waller as colonel, John Dougherty as lieutenant colonel, and Thomas Hord as major of the 29th regiment Kentucky militia.

The colonel of the 100th regiment is Nicholas T. Thomas instead of Nicholas F. Thomas as nominated to you, which error, I take this opportunity of rectifying.

I also nominate Cornelius W. M'Donald as major of the 105th regiment vice E. Williams removed.

THOMAS METCALFE.

December 10, 1829.

*Resolved*, That leave be given to withdraw the said nominations as requested, and that the Senate advise and consent to the appointments of the said Nicholas T. Thomas as colonel of the 100th regiment of Kentucky militia, and Cornelius W. M'Donald as major of the 105th regiment.

*Ordered*, That Messrs. Fleming and Rodman inform the Governor thereof.

The nomination of Thomas W. Graham as sheriff of Floyd county, was taken up.

*Resolved*, That the Senate advise and consent to the said appointment.

*Ordered*, That Messrs. Fleming and Rodman inform the Governor thereof.

Mr. M'Millan from the committee of propositions and grievances reported a bill for the benefit of Jesse Corum.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Green from the committee appointed for that purpose, reported a bill to amend the laws in relation to crimes committed on the Ohio river.

Which was read the first time and ordered to be read a second time.

On the motion of Mr. Allen—

Leave was given to bring in bills of the following titles, viz:

A bill to amend the laws concerning constables; and,

A bill for the benefit of Thomas Baldrige.

Messrs. Allen, Hardin and Cunningham were appointed a committee to prepare and bring in the former, and Messrs. Allen, Maupin and Payne the latter bill.

On the motion of Mr. Wickliffe—

*Resolved*, That there shall be appointed as standing committees for the Senate, in addition to the standing committees already appointed, the following committees, to-wit: a committee on education and a committee on the Penitentiary.

On the motion of Mr. Edwards—

*Resolved*, That the committee of courts of justice inquire into the expediency of giving power to the justices of the peace to subject debts due to defendants in execution, on return thereon of no property found, on all sums not exceeding           dollars, and that they report by bill or otherwise.

On the motion of Mr. M'Connell—

*Resolved*, That the committee for courts of justice be instructed to inquire into the expediency of amending and explaining the penal laws of this Commonwealth, and of amending and explaining the law in relation to the duties of grand juries, and Commonwealth's attorneys, concerning the delinquencies of justices of the peace, constables and other officers.

Mr. M'Connell moved the following resolution:

*Resolved*, That it is the sense of this Senate, that general bad character, or general reputation of the commission of any crime, or of conduct dishonorable in its nature, on the part of, or by any person nominated to any office in the militia, is good cause for the rejection of such nomination, without proof of the actual commission of such crime or other dishonorable act; and all committees to whom such nominations have been or may be referred, are instructed to act accordingly.

Which was twice read and laid on the table.

Mr. Wickliffe moved the following resolution, viz:

Whereas the Governor did, at the last session of the Senate, nominate Joseph R. Underwood a judge of the Court of Appeals, Chief Justice of the Court of Appeals and J. T. Johnson as a judge of said court, in place of said Joseph R. Underwood, if his nomination should be confirmed; and whereas, the Senate did, on the 29th day of January last, by a vote, defer the consideration of said nomination until the first day of June last past, when the Senate was not in session; and whereas, the Senate entertain doubts of their constitutional power now to approve of said nominations:

*Resolved*, For the reasons aforesaid, that the Governor be in-



formed that the Senate do not advise and consent to the said appointments.

Mr. Allen moved to amend the said resolution by striking out the whole of it after the word "*informed*," and inserting in lieu thereof, "that it is the opinion of the Senate, that they have not now the power to advise and consent to said nominations, the said nominations at this time not being before this body."

And the question being taken on adopting the said amendment it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Wood, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cunningham, Faulkner, Fleming, Fulton, Griffin, Hughes, Maupin, M'Millan, Stephens and Wingate—12.

NAYS—Messrs. Brown, Campbell, Edwards, George, Gibson, Green, Hardin, M'Connell, Owsley, Payne, Ray, Rodman, Rudd, Selby, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe, Williams and Wood—23.

The question was then taken on adopting the said resolution moved by Mr. Wickliffe, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Allen, were as follows, viz:

YEAS—Messrs. Barrett, Brown, Campbell, Edwards, Faulkner, Fleming, Fulton, George, Gibson, Green, Hardin, Hughes, Maupin, M'Millan, M'Connell, Owsley, Payne, Ray, Rodman, Rudd, Selby, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe, Williams, Wingate and Wood—32.

NAYS—Messrs. Cunningham and Griffin—2.

The preamble to the said resolution was then adopted.

Ordered, That Messrs. Wickliffe and Barrett inform the Governor thereof.

And then the Senate adjourned.

#### FRIDAY, DECEMBER 11, 1829.

The Senate assembled.

Mr. David K. Harris, a member of the Senate from the counties of Floyd, Pike, Morgan and Bath, appeared and took his seat.

A message was received from the House of Representatives, announcing the passage of bills and a resolution which originated in that House of the following titles, viz:

An act to incorporate the Lewis Pottery Company, for the purpose of manufacturing Queens ware and China at Louisville.

An act authorizing the sale of certain grounds in the town of Russellville.

An act to enlarge the constable's district including the town of Burksville, and for other purposes; and,

A resolution relative to the office of public printer.

The Speaker laid before the Senate the memorial of a number of the members of the Frankfort bar, in favor of the appointment of Daniel Mayes, Esq. as circuit judge of the 4th judicial district.

Which was read and referred to the committee of courts of justice, to whom was referred the nomination of said Mayes.

Messrs. McConnell, Brown, White, Rodman, Summers, Harris, Wall, Wickliffe and Wingate were appointed a committee on the Penitentiary and Messrs. Edwards, Payne, Fleming, Thompson, Stephens, Owsley and Barrett were appointed a committee on Education pursuant to the resolution adopted yesterday.

The Speaker laid before the Senate the annual report of the keeper of the Penitentiary, which is as follows, viz:

*To the Speaker of the Senate:*

SIR:—In discharge of the duty committed to me as Keeper of the Penitentiary, I submit through you to the House of Representatives, the following report of the state of the institution over which I preside.

There are now ninety-one convicts confined in the penitentiary. Forty have been committed since the first day of November, 1828; thirty-one have served out their respective terms and been discharged; five have received the pardon of the Executive; and one has died. The health of the persons committed to my care, has been, during the present year, unusually good. The average of persons sick during the year, would not much exceed one per day.

The committee appointed by the Legislature to settle the accounts of the penitentiary, performed that duty on the first day of February of the present year. The report of the committee will show a profit derived from the institution of \$15,975 51, up to the first of February last, from the time it was entrusted to me, besides improvements made in the machinery, workshops, &c. which amounts to \$5,700. They estimate the increase of the tools at \$1000. This would make the total product of labors of the convicts during four years, amount to \$22,675 51. I beg leave here to observe, that I have been disappointed in the amounts of the profits, although they have far exceeded the expectations of others who have looked to the previous experiments of the institution. My disappointments have grown out of the contract with the commissioners of the State-house. The profits of the great job of nearly \$12,000, has only amounted to about \$700. The accounts of the office furnish the following exhibit of the condition of the institution:

Debts due to the institution, is	\$18,692 65
This sum, the clerk estimates will be reduced by	
offsets and bad debts, to	10,000

Raw materials on hand at this time,	2,650
Manufactured articles on hand at this time.	3,000
Building Commissioners certificate to Auditor for manufactured articles,	4,672 78
Building Commissioners certificate to Auditor for stone for the State-house,	9,756 32

Since the settlement and my report of last year, I have made extensive and valuable improvements in the establishment. I have altered the old block of brick cells and have made of them two large and commodious workshops, the one for carpenters and the other for weavers. In obedience to the law of last session, I have built the wall six feet higher, and in conformity with the act, have added the flat rocks and the loose stone as a covering to the wall, which makes an addition to its former height, of seven feet nine inches. At the principal gateway, I have projected forward two walls, for the purpose of making a double gate—making the extent of the wall then added, about 120 feet in length and 14 feet high. I have built 34 cells, directed by law, and divided the old ones, the expense of which improvements will be seen by reference to paper marked (B.) I have also provided a Chapel and Sabbath School room, for the convicts, and have built a shed eighty-four yards in length for the manufacture of bagging, and have in operation four bagging looms, and have also erected a hemp house within the walls. The improvements have enabled me to introduce into the institution, the following rules and regulations, which I feel bound to submit to the Legislature as a part of my report, as the economy of the establishment and its prison discipline, are subjects of the most interesting concern to the Legislature and to the community.

A system of silence is made to prevail throughout the whole institution. Conversation is not permitted among the convicts, with the exception, that a foreman of a shop is allowed to give instructions with regard to work in hand. All other communications and directions are to be from the manager who conducts the institution. For the purpose of preserving perfect order in all the operations of the establishment, the convicts are divided into several shop's crews, in which every individual is known by his number; and in proceeding to their business, their meals or their religious duties, they fall into file according to their number.

When the first bell rings in the morning, all hands rise, dress, make up their beds, sweep up their rooms, and as soon as the doors are open, the litter is swept into the alley. The convicts remain in the cells until the second bell rings; then each shop's crew fall into the ranks in order, and march in silence to their shops, and then each takes his proper place, washes and proceeds to work. Each man is required to remain at his own appointed position, and is not allowed to approach that of another without leave.

No man is to look at, or speak to visiting persons without leave:



this rule is not unfrequently infringed by visitors, who we must suppose are ignorant of its existence or importance. When the bell rings for meals, each shop's crew form in single file, every man in his place according to his number, and in silence, march to table, there each takes his seat and remains still until the bell rings, then they eat in silence in the presence of a manager, and at the ringing of the same bell, each man rises to his feet and follows his file-leader to his work. The man that marches behind going to his meal, marches before returning to his work.

When the bell rings at night, the convicts form as above mentioned and march to their cells, where each goes into his separate cell, which is reached by arrangement in order; the number of the cell corresponding with the number of the individual who fronts it in the rank. Each man is held accountable for the quantity and quality of his work according to his skill and ability, and is not allowed to commit waste, nor to suffer waste to be committed in his sight, without giving information to a manager of what he has seen. No man is allowed to go to the privy without a token. Each shop has its own token and its own privy. There is a man in each shop to bring materials and to hand tools; if he is absent, the foreman acts in his stead. When any thing is wanted, the person to be supplied pulls his cord and rings the shop bell for the tender who attends to him and supplies his wants.

The cooks prepare the victuals, attend the table, wash the clothing, sweep the galleries and cut the wood for the fires. If there be any thing amiss in the preparation of the food, the convicts are enjoined to give information of it at meal time.

On Saturday, the barbers shave the heads and faces of the men; when this duty is begun by one shop's crew, all belonging to it are shaved before another is called; each individual when shaved, is required to wash and dress in clean clothes, and return to his place in the shop.

The above is an outline of the conduct prescribed to convicts during the week. Sunday is devoted to the purpose of religious instruction and in the employment of the Sabbath School. A chapel is provided for these objects, and from the time the prisoners are taken from the cells in the morning until night, (meal times excepted,) they are here engaged in religious devotion, or in learning to read, to write, and to cypher. At least one third of those sent to the penitentiary are entirely illiterate, and most of them very imperfect in the rudiments of the education imparted by common schools. The different corps of convicts are marched to the chapel on Sunday, in the order they march to their business during the week, and are placed on benches with their faces towards the wall, when under the supervision of a manager, they prosecute duties prescribed to them throughout the day. From these regulations such only are exempted as are retained in solitary confinement as a punishment for offences committed by them.

Divine service is always attended by the keeper or his assistant, and the most profound and solemn silence and attention required from the convicts. I regret to say that I have not been able to obtain as much religious instruction for the convicts as I desired. I consider the sermons and prayers of pious men, in conjunction with the labours of the teacher of the Sabbath school, as greatly conducive to the reformation of the unhappy beings committed to my care, and I should rejoice to have it in my power to tell the Legislature, that I had been enabled to procure a preacher to perform his sacred functions in the Chapel of the Penitentiary, on every Sunday during the year. This has not been the case, and I am sorry to inform you that only twenty-nine sermons have been preached to the convicts during the last year. This has not been my fault. I have given to the teachers of the Sabbath schools, two dollars per day, and two dollars for every sermon, preached within the walls.

In conclusion, I have to say, that I solicit the attention of the General Assembly, to the management of the Institution submitted to my control. If they should find any thing in its internal arrangement or conduct, which they may consider as having contributed to make this Institution profitable, rather than a burthen to the State, or any thing in the mode of treatment of the convicts, which shall seem calculated to produce a reformation of character and prevent them from returning to the bosom of society with increased skill for the work of mischief, and embodied by association in the Penitentiary in banditti to execute their schemes—much of the praise is due, for the efforts to produce these results, should be ascribed to Mr. McIntosh, and my son John R. Scott. I have found them able and faithful assistants, every way deserving my confidence and thanks. Mr. Belt has satisfied me entirely, as clerk to the institution. He is an excellent officer and a worthy man. The guard I have found faithful and vigilant; and in conclusion, I ask and invite a visit from your honorable body, by committee and individually, as often and as early in the session, as you may find convenient. All of which, is very respectfully submitted, by

Your obedient servant,

JOEL SCOTT,  
*Keeper of the Ky. Penitentiary.*

(B)

*The Commonwealth of Kentucky, Dr. to the Ky. Penitentiary.*

1829.

To 762 days work by convicts, in quarrying,  
hauling, loading, unloading stone, tending  
masons, laying stone, and pointing the  
cells, &c. at 62 1-2,

\$478 18

Powder furnished for blowing rock, say

3 00

35 days hauling stone for the cells, at 3 00,

105 00

200 perch of stone furnished by J. Scott, at 1 00,	200 00
486 do in the quarry, at 10 cents,	48 60
1100 bushels of lime, at 10 cents,	110 00
Extra guard one month, say	22 00
4590 feet of hewed scantling, 9 by 10 inches,	137 70
1450 do. of flooring plank, at 1 25,	18 12
2400 do. of sheeting plank, at 1 00,	24 00
750 do. of scantling, at 2 50,	18 75
Framing 24 square of rafters, at 75 cents,	18 00
Sheeting and shingling 24 square, at 1 00,	24 00
100 feet of boxing cornish, at 10 cents,	10 00
200 do plank for same, at 1 25,	2 50
401 feet of barge boards, say	4 60
50 lbs. shingling nails, at 10 cents,	5 00
40 lbs. 8 dy. and 10 dy. cut nails, at 10 cents,	4 00
34 door hinges, frames, locks, hasps & staples,	340 00
34 window grates, at 4 00,	136 00
Plastering 34 cells, at 1 00,	34 00
Making 34 births in cells, at 1 00,	34 00
Dividing 34 old cells into two apartments, at 10 00,	340 00
	<hr/>
	\$2,116 80

JOEL SCOTT, *Keeper.*

*The Commonwealth of Kentucky, Dr. to the Ky. Penitentiary.*  
1829.

To 1191 days work by the convicts, in quarrying stone, loading and unloading wagons, tending masons, raising scaffolds, laying stone and pointing the walls, &c. at 62 1-2,	\$744 37
78 days hauling stone, at 3 00,	234 00
71 1-2 days work, (hired hands,) at 62 1-2,	44 69
Cash paid Hawkins Wickersham for blowing rock,	3 00
900 bushels of lime, at 10 cents,	90 00
Cash paid Isaac Adams foreman laying stone,	81 00
Boarding do. do. two months, say	20 00
Two extra guards, two months each, at 21 00,	84 00
To 134 perch of stone of A. Wickersham, at 37 1-2,	50 25
To 22 do. do. Taylor & do. at 50 cents,	11 00
To 1500 feet of plank for scaffold, at 1 25	18 75
To 735 perch of stone in the quarry, at 10 cents,	73 50
Blacksmith's work done for quarrying stone and mason's work, after deducting the value of the tools returned,	46 25



Wheel for hoisting rock on the wall, say	6 00
Rope for hoisting stone and scaffolding,	15 00
Outside gate, frame hinges, &c.	25 00

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\$1,546 81

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JOEL SCOTT, *Keeper.*

John R. Scott and John McIntosh attending the stone quarry alternately three months, McIntosh or myself was constantly superintending the building of the cells and the walls. I pay John R. Scott 400 dollars and John McIntosh 500 dollars a year, for which services I hope a reasonable allowance will be made.

JOEL SCOTT, *Keeper.*

Personally appeared before me, a justice of the peace in and for the county of Franklin, Joel Scott, and made oath that the within accounts for raising the penitentiary wall and building the thirty-four cells, is correct, to the best of his knowledge and belief. Given under my hand, this 10th day of December, 1829.

JAMES SHANNON, J. P.

*Ordered,* That the said report be referred to the committee on the Penitentiary.

Mr. Edwards presented the petition of the officers and members of Russellville Lodge No. 17, praying that a law may pass authorizing them to sell and convey a house and lot in the town of Russellville.

Which was received, read and referred to a committee of Messrs. Edwards, Hardin and Payne.

Mr. Wingate, from the committee of enrollments, reported that the committee had examined an enrolled bill entitled, "an act authorizing certain advertisements to be inserted in the Kentucky Intelligencer, printed in Flemingsburg;" and had found the same truly enrolled; and that said bill had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and said bill was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Wingate reported, that the committee had performed that duty.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Hardin from the committee of finance—A bill to regulate attachments in civil cases; and,

By Mr. Faulkner—A bill to prohibit the confinement of slaves, purchased by negro traders, in the jails of this Commonwealth, and for other purposes.

Which bills were each read the first time and ordered to be read a second time.

Mr. Hardin made the following report, viz:

H

The select committee appointed to examine the room occupied by the Senate last session, &c. have had the subject further under consideration, and report.

That they have had an interview with the commissioners appointed to superintend the building of the capitol, and, together with the commissioners, have examined the chamber in the capitol, designed to be occupied by the Senate, and from the opinion of the commissioners, together with that of the workmen, are inclined to believe the same can be prepared, at farthest, by the first day of January next, sufficient for the Senate to occupy, although not entirely complete. The committee deem it unnecessary to submit any resolution, and beg leave to be discharged from the further consideration of the subject.

*Ordered*, That the said committee be discharged.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rudd—1. A bill allowing Washington county one additional constable.

2. A bill for the benefit of the heirs of John Head.

On the motion of Mr. Green—3. A bill for the benefit of Isaac Thomas and William Love; and,

On the motion of Mr. Ray—4. A bill to revise and amend the militia law.

And Messrs. Rudd, Thompson, Brown and Hardin were appointed a committee to prepare and bring in the first; Messrs. Rudd, Owsley and Hardin the second; Messrs. Green, Cunningham and Hughes the third, and Messrs. Ray, M'Connell, Allen and Selby the fourth.

On the motion of Mr. Taylor—

*Resolved*, That the committee of courts of justice be instructed to inquire into the expediency of so amending the penal laws as to make it larceny to steal slaves out of the possession of persons, other than their owners, and annex the proper punishment to the offence.

On the motion of Mr. Edwards—

*Resolved*, That the committee for courts of justice be instructed to inquire into the expediency of amending the laws in relation to the jurisdiction and duties of justices of the peace of this Commonwealth.

A bill from the House of Representatives entitled, "an act to authorize the Lexington white lead manufacturing company, to close and dispose of said establishment,"

Was read the second time and ordered to be read a third time.

Whereupon, the rule of the Senate, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to provide for the appointment of trustees to the Lancaster seminary.

2. An act to continue in force an act for the benefit of the head-right and Tellico settlers, and for other purposes.

3. An act to allow the Independent Banks in this Commonwealth further time to settle their concerns.

4. An act to enlarge the constable's bounds on Beaver creek in Harrison county.

5. An act to amend an act entitled, "an act appropriating fines and forfeitures for the purposes of promoting education;" and,

6. An act authorizing the sale of certain ground in the town of Russellville.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the third bill having been dispensed with, it was committed to a committee of Messrs. Brown, Stephens and Fleming.

The rule of the Senate, constitutional provision and second and third readings of the first, fifth and sixth bills having been dispensed with, the first being amended,

*Resolved*, That the said bills do pass and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles:

An act to enlarge the constable's district of Scottville in Allen county; and,

An act to enlarge the constable's district including the town of Burksville, and for other purposes,

Were each read the first time and laid on the table until the first day of June next.

A bill from the House of Representatives entitled, "an act for the benefit of Ann Angel, relict of William Angel deceased;"

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, the same was amended.

The question being taken on reading the said bill a third time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Hardin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Cunningham, Edwards, Fleming, Fulton, Green, Griffin, Hardin, Harris, Hughes, Maupin, Owsley, Payne, Ray, Rodman, Rudd, Selby, Stephens, Summers, Thompson, Thornton, White, Williams, Wingate and Wood—27.

NAYS—Messrs. Brown, Faulkner, George, Gibson, M'Millan, M'Connell, Taylor and Townsend—8.



The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act to amend the duelling laws," was read the first time as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever it may become necessary to administer the oath directed by the several acts of Assembly "more effectually to suppress the practice of duelling," to any officer of this Commonwealth, or any other individual required by law to take the same, it shall be so changed as to insert the first day of December, 1829, instead of the first day of November, 1824: *Provided, however*, That no person shall be entitled to the benefit of this act, who was relieved by the act of 1824, on the subject of duelling.

Mr. McConnell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Hardin, were as follows, viz:

YEAS—Messrs. Allen, Edwards, Faulkner, Hardin, Harris, Hughes, Maupin, M'Millan, McConnell, Owsley, Payne, Rodman, Selby, Summers, Taylor, Thornton, Townsend, White, Wickliffe and Williams—20.

NAYS—Messrs. Barrett, Brown, Campbell, Cunningham, Fleming, Fulton, George, Green, Griffin, Ray, Rudd, Stephens, Thompson, Wingate and Wood—15.

A bill to amend the laws in relation to crimes committed on the Ohio river;

Was read the second time, amended, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass and that the title be amended to read, "an act to amend the laws in relation to crimes committed on the Ohio, Mississippi and Big Sandy rivers."

A bill from the House of Representatives entitled, "an act to incorporate the Lewis Pottery Company for the purpose of manufacturing Queensware and China at Louisville;"

Was read the first time and ordered to be read the second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with,

Mr. Maupin moved to amend the first section of the bill by striking out "eighteen hundred and eighty," being the time until

which the company is incorporated, and to insert in lieu thereof, "eighteen hundred and forty-five."

And the question being taken on adopting the said amendment it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Fulton, were as follows, viz:

YEAS—Mr. Maupin—1.

NAYS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Faulkner, Fleming, Fulton, George Gibson, Green, Griffin, Hardin, Harris, Hughes, M'Millan, M'Connell, Owsley, Payne, Ray, Rodman, Rudd, Selby, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe, Williams, Wingate and Wood—35.

The said bill was amended and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass and that the title thereof be as aforesaid.

The Senate received official information, by Mr. Crittenden, Secretary of State, that the Governor on this day, approved and signed an enrolled bill which originated in the Senate, entitled, "an act authorizing certain advertisements to be inserted in the Kentucky Intelligencer printed in Flemingsburg."

*Ordered*, That Mr. Wingate inform the House of Representatives thereof.

The Speaker laid before the Senate a letter from the President of the Bank of the Commonwealth of Kentucky, covering his annual report of the situation of that institution.

Which letter and report are as follows, viz:

BANK OF THE COMMONWEALTH OF KENTUCKY, }  
December 11, 1829. }

*To the Lieutenant Governor, Speaker of the Senate:*

SIR—You will please submit to the House over which you preside, the communication herewith transmitted, and the statements and reports therein referred to.

I am, Sir, your ob't.

F. P. BLAIR, *Pres. Com. Bank.*

BANK OF THE COMMONWEALTH OF KENTUCKY, }  
Frankfort, 11th December, 1829. }

*To the Senate and House of Representatives of the Commonwealth of Kentucky.*

I have the honor to submit to you a general statement, accompanied by the reports of the several branches of the Bank of the Commonwealth of Kentucky, shewing the condition of the institution on the 10th of October last.

The account from the Louisville branch exhibits a loss of \$26,693 11, of which that branch was robbed on the night of

the 17th September last. Mr. Payne, the cashier of the bank at Louisville, through me, requests an investigation of the facts connected with this subject. Upon this and every other matter having relation to the institution, which may become the subject of Legislative inquiry, the officers of the principal bank will be happy to afford all the information in their power.

The resolution of the last session requiring \$300,000 of the paper of the bank to be destroyed by burning, was complied with.

F. P. BLAIR, *President.*

(*See opposite table.*)

*Ordered*, That the said report be referred to the committee of finance.

A resolution from the House of Representatives relative to the office of public printer, was twice read and concurred, in as follows, viz:

Whereas Amos Kendall and Albert G. Meriwether, were elected printers for the Commonwealth of Kentucky, for the year 1829, under the style and firm of "Kendall and Meriwether," and the said Amos Kendall having removed from the State of Kentucky, and having also accepted an office of trust and profit under the United States: Therefore,

*Resolved*, That the office of the said Amos Kendall as one of the printers for this Commonwealth, has become vacant, and that the said Albert G. Meriwether, the other printer, be required to proceed with the execution of his duties, as sole printer to the Commonwealth of Kentucky for the time for which he was elected, and that all acts done by said Meriwether since the removal and acceptance of the office aforesaid by A. Kendall, are hereby declared valid.

Mr. Wingate presented the remonstrance of J. Dudley, against the appointment of Daniel Mayes, Esq. as circuit judge of the fourth judicial district.

Which was received, read and referred to the committee of courts of justice.

And then the Senate adjourned.

#### SATURDAY, DECEMBER 12, 1829.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills which originated in that body, of the following titles, viz:

An act for the benefit of Edward M. Holden.

An act for the benefit of Temple and Sally West.

An act for the regulation of the town of Cadiz; and,

An act to establish an election precinct in Green county.



# MENT of Kentuc

SENATE

Due from other banks.	Real tate	ON HAND.	
		Notes B'k U. S. and specie.	Bank Com. & Branches notes.
823,866 72	4,50	7,962 53	303,519 52
258 00	17,28	41 00	843 62
	2 54	2,750 00	16,833 10
	4,32		7,724 94
2,647 00	3,41		7,425 72
	61	406 84	8,020 00
1,800 53			1,468 30
	19,49		35,862 73
	1,67		1,319 97
	4,87	77 58	10,665 04
		3,782 24	20,801 98
			2,602 00
			5,942 40
828 572 25	58.72	15,020 19	423,029 32

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TABLE, A—To face Page 62.]

## A STATEMENT

[SENATE.]

Of the situation of the Bank of the Commonwealth of Kentucky, on the 10th day of October, 1829.

	DR.						CR.										CASH ON HAND.			
	Stock.	Notes payable.	Discounts.	Individual depositors	Due to other Banks.	Literary Fund	Notes in suit.	Notes under discount.	Due from other banks.	Real estate.	General expences.	Due from Rep. of A Morehead, dec'd.	Due from Treasurer.	Profit, &c. Loss.	Eastern notes.	Bank of Ky notes	Notes B'k U. S. and specie.	Bank Com. & Branches notes.		
Principal Bank	\$ 542,558 63	770,414 05	5,789 38	59,469 31	145,481 01	8,496 92	71,627 00	109,549 78	823,866 72	4,505 46	4,337 16						7,962 53	303,519 52		
Branch in Bowlinggreen			3,020 78	10,346 08	22,664 58	11,615 98	80,190 31	52,436 83		17,281 44	1,819 59	17,704 06	60,019 87	147 00	1,179	161 25	41 00	843 62		
" Flemingsburg			1,068 98	5,785 47	25,413 53	8,656 74	8,131 01	10,879 00	258 00		841 51						2,750 00	16,833 10		
" Falmouth			1,282 99	3,402 65	50,101 58	11,383 69	16,183 00	11,391 00		2,545 00	911 97							7,724 94		
" Greensburg			2,137 26	890 41	171,327 61	13,891 33	27,270 00	23,873 50	2,647 00	4,327 81	1,615 75						406 84	8,020 00		
" Harrodsburg			6,123 46	384 47	58,044 30	6,182 14	72,170 00	103,310 93		3,410 00	1,762 10							1,468 30		
" Hartford			3,865 05	2,649 77	54,432 79	14,597 70	25,660 08	41,935 10	1,800 53	612 38	1,065 40							35,862 73		
" Lexington			2,611 75	43,021 83	118,575 05	17,510 98	33,544 00	65,129 00		19,492 66	2,088 87			25,693 11				1,319 97		
" Louisville			3,859 17	7,773 80	52,193 83	4,288 23	36,344 05	13,057 40		1,675 74	2,550 26							10,665 04		
" Mount Sterling			1,360 88	4,049 60	60,437 01	10,621 84	21,658 63	32,355 00			1,796 05							20,801 98		
" Princeton			2,775 67	3,991 17	37,857 52	7,380 39	33,809 37	9,615 08		4,878 03	1,334 34			185 39			77 58	2,602 00		
" Somerset			1,659 56	537 66	32,406 62	16,117 91	28,200 08	16,396 85			1,331 10						3,782 24	5,942 40		
" Winchester			1,625 39	10,193 02							957 95									
DOLLARS.	542,558 63	770,414 05	37,190 32	152,495 24	828,935 43	140,917 44	454,787 69	564,871 41	828 572 25	58,728 52	22,412 05	17,704 06	60,019 87	26,025 50	1,179	161 25	15,020 19	423,029 32		

## RECAPITULATION.

DR.			CR.		
To Amount of Stock,	\$542,558 63	By Amount of Notes in Suit,	\$454,787 69		
" Notes payable,	770,414 05	" Amount of Notes under Discount,	564,871 41	\$1,019,659 10	
" Amount of Discounts,	37,190 32	" Amount due from other Banks,		828,572 25	
" Amount due Individual Depositors,	152,495 24	" Amount of Real Estate,		58,728 52	
" Amount due to other Banks,	828,935 43	" Amount of General Expences,		22,412 05	
" Amount due Literary Fund,	140,917 44	" Amount due from the Representatives of A. Morehead, dec'd.		17,704 06	
		" Amount due from Treasurer,		60,019 87	
		" Amount of Profit and Loss,		26,025 50	
		CASH ON HAND, VIZ.			
		Eastern Notes,	\$1,179 00		
		Notes of the Bank of Kentucky,	161 25		
		Notes of the Bank of the United States and Specie,	15,020 19		
		Notes of the Bank of the Commonwealth and Branches	423,029 32	439,389 76	
DOLLARS.	2,472,511 11			\$2,472,511 11	

EDMUND H. TAYLOR, Cashier.



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And the passage of a bill which originated in the Senate, entitled, "an act to change the time of holding the Spencer circuit and county courts."

Mr. Selby presented the petition of Ann R. Taylor praying that a law may pass remitting to her the balance of the State price due on a small tract of land in Adair county.

And Mr. Campbell presented the petition of Peter Jones, praying a divorce from his wife Candis Jones.

Which petitions were received and referred, the former to the committee of propositions and grievances and the latter to the committee of religion.

Mr. M'Connell from the committee of courts of justice, made the following report, viz:

The committee for courts of justice have, according to order, had under consideration the unfinished business of last year, from which they report to the Senate for its consideration, two bills, the one entitled, "a bill to compel litigants to give security for costs in certain cases," and the other, "a bill to amend the laws concerning free persons of colour," with a proposed amendment to the former.

The committee have also had under consideration a resolution requiring said committee to inquire into the expediency of amending the laws in relation to executors, administrators and guardians, and herewith report a bill.

The said bills were severally read the first time and ordered to be read a second time.

*Ordered*, that the public printer print one hundred and fifty copies of the second and third bills for the use of the General Assembly.

Mr. Rudd from the committee appointed for that purpose, reported a bill allowing Washington county one additional constable.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, the same was amended and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

The question was taken on the passage thereof and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fleming and Green, were as follows, viz:

YEAS—Messrs. Barrett, Campbell, Cunningham, Edwards, Griffin, Hardin, Harris, Hughes, Maupin, M'Connell, Owsley, Payne, Rudd, Selby, Stephens, Summers, Thompson, Thornton and Wood—19.

NAYS—Messrs. Allen, Brown, Faulkner, Fleming, George, Gibson, Green, McMillan, Ray, Rodman, Taylor, Townsend, White, Williams and Wingate—15.

*Resolved*, That the title of the said bill be, an act allowing additional constables to certain counties.

Mr. Rudd from the committee appointed for that purpose, reported a bill for the benefit of the heirs of John Head.

Which bill was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with and the same being engrossed,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Wingate from the committee of enrollments reported, that the committee had examined enrolled bills of the following titles, viz:

An act to enlarge the capital stock of the Louisville and Portland canal company; and,

An act to change the time of holding the Spencer circuit and county courts;

And had found the same truly enrolled: and that the said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto and they were delivered to the said committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Wingate reported that the committee had performed that duty.

The Speaker laid before the Senate the following report of the Auditor of Public Accounts, viz:

AUDITOR'S OFFICE, KY.

Frankfort, 12th December, 1829.

DEAR SIR:—By a resolution of the General Assembly of the Commonwealth of Kentucky, approved 29th January 1829, it was made the duty of the commissioners to be appointed for the purpose of taking in the lists of taxable property for the year 1829, to ascertain the number of children over 4 and under 15 years of age, designating the number at school in their respective counties, for the purpose of enabling the present Legislature to adopt some practical plan in relation to the commencement of a system of general education, and said commissioners were required to make out a fair list of the children as aforesaid, and certify the number to their respective county courts, who should require their clerks to transmit a copy of such certificate to the Auditor of Public Accounts, with the commissioners books, and that the Auditor be required to report the same to this General Assembly, within the first week of its session.

Upon an examination of the commissionsrs' books returned, I find only a few that contain the certificate required; other books contain the list of children only, and others, no account taken whatever.

My report therefore cannot be considered as giving a correct view of the subject, owing to the failure of proper returns not being made.

The following taken from the best information in my possession, is respectfully submitted, which you will please lay before the House over which you preside:

Counties.	No. of children between 4 and 15	No. at school.	Counties.	No. of children between 4 and 15	No. at school
Anderson,	953	316	Madison,	3588	917
Breckenridge,	1556	115	M'Cracken,	287	62
Boone,	1827		Meade,	823	207
Butler,	599	80	Muhlenburg,	1371	127
Christian,	2142	279	Nelson,	2602	962
Daviess,	1004	158	Nicholas,	2429	873
Estill,	1057	63	Ohio,	1172	75
Franklin,	1695	531	Owen,	1400	
Floyd,	1260	59	Pike,	663	18
Greenup,	1396	220	Pendleton,	1064	183
Gallatin,	1299	96	Rockcastle,	816	102
Grayson,	1045	94	Russell,	898	185
Hancock,	350	125	Shelby,	3424	1430
Harrison,	3308	1033	Scott,	2252	
Hopkins,	1582	217	Simpson,	1426	
Henry,	2592	643	Spencer,	1596	374
Lincoln,	1843	522	Trigg,	742	153
Lawrence,	1047	81	Todd,	1245	330
Livingston,	1197		Warren,	1759	
Logan,	2275	52	Woodford,	1079	
Mason,	1824		Wayne,	1975	233

PORTER CLAY, *Aud. Pub. Accounts.*

HON. JOHN BREATHITT, *Lieut. Gov. and Speaker of the Senate.*

*Ordered,* That the said report be referred to the committee on education.

On the motion of Mr. Owsley—

Leave was given to bring in a bill for the benefit of Thales Huston; and Messrs. Owsley, Selby, Griffin and Hardin were appointed a committee to prepare and bring in the same.

On the motion of Mr. Campbell—

Leave was given to bring in a bill for the benefit of the settlers west of the Tennessee river; and Messrs. Campbell, Sum-



mers, Edwards, Hardin and Townsend were appointed a committee to prepare and bring in the same.

Mr. Edwards moved the following resolution; which was twice read and adopted, viz:

*Resolved*, That the committee on finance inquire into the expediency of dispensing with the printing, binding and distributing of personal and local acts, and report by bill or otherwise.

A bill to regulate attachments in civil cases, and a bill to prohibit the confinement of slaves, purchased by negro traders, in the jails of this Commonwealth, and for other purposes,

Were each read the second time.

The former bill was ordered to be engrossed and read a third time on Monday next, and the latter was committed to a committee of Messrs. Fleming, Faulkner and Thornton.

Bills from the House of Representatives of the following titles, viz:

An act to continue in force "an act for the benefit of the head-right and Tellico settlers, and for other purposes;" and,

An act to enlarge the constable's bounds on Beaver creek in Harrison county,

Were each read the second time.

The former bill was ordered to be read a third time, and the latter was laid on the table until the first day of June next.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Edward M. Holden.

2. An act for the benefit of Temple and Sally West.

3. An act for the better regulation of the town of Cadiz; and,

4. An act to establish an election precinct in Green county,

Were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the second, third and fourth bills having been dispensed with, and the fourth being amended,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary of State.

And then the Senate adjourned.

#### MONDAY, DECEMBER 14, 1829.

The Senate assembled.

Mr. Robert Miller, a member of the Senate from the county of Madison, appeared, produced a certificate of his election, and of his having taken the several oaths required by the constitution of the United States, and the constitution and laws of this State, and took his seat.

A message was received from the House of Representatives announcing the passage of bills which originated in that House of the following titles, viz:

An act to take the sense of the people as to the propriety of calling a convention.

An act to change the place of voting in an election precinct in Hardin county, from John Buckles' to Stephen Southern's, and for other purposes.

An act to authorize the sheriff of Wayne county to be qualified at the March term.

An act to reduce the number of trustees of the Newcastle seminary, to five; and,

An act to allow additional justices of the peace and constables in certain counties.

And that they have concurred in the amendments proposed by the Senate to bills which originated in that House of the following titles, viz:

An act to provide for the appointment of trustees to the Lancaster seminary.

An act for the benefit of Ann Angel, relict of William Angel deceased; and,

An act to incorporate the Lewis Pottery Company, for the purpose of manufacturing Queensware and China at Louisville.

1. Mr. Fulton presented the petition of George M. Bedinger, praying that a law may pass authorizing him to build a bridge across main Licking river.

2. Mr. Rodman presented the petition of several of the members of the Newcastle bar, and also, the petition of a number of the citizens of Henry county, praying that the Senate advise and consent to the appointment of Daniel Mayes, Esq. as judge of the 4th judicial district.

3. Mr. Griffin presented the petition of Prudence Cox, praying that a law may pass remitting the balance of the State price, due upon a tract of land lying in Pulaski county.

4. Mr. Maupin presented the petition of James and John Chapman, praying that a law may pass authorizing the judge of the Barren circuit court to decree the right of the infant heirs of William Pointer, to a certain tract of land, to the said Chapmans; and,

5. Mr. Faulkner presented the petition of sundry citizens of Garrard county, praying for the passage of a law authorizing the appointment of an additional justice of the peace and constable to said county.

Which petitions were severally received, read and referred; the first to the committee of propositions and grievances; the second to the committee of courts of justice; the third to the committee of finance; the fourth to a select committee of Messrs.

Maupin, Selby, Griffin and Hardin; and the fifth to a committee of Messrs. Faulkner, Owsley and Miller.

Mr. Hardin, from the committee appointed for that purpose, reported a bill for the benefit of Thales Huston,

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wingate—1. A bill to authorize the county court of Owen county to sell and convey the lot of ground on which the old jail stands.

On the motion of Mr. Brown—2. A bill for the benefit of Ezra Offutt; and,

On the motion of Mr. M'Millan—3. A bill to authorize the insertion of advertisements in the Winchester Republican, printed in Winchester.

Messrs. Wingate, Gibson and Rodman were appointed a committee to prepare and bring in the first; Messrs. Brown, Thompson, Hardin and Thornton the second, and Messrs. M'Millan, Harris and Brown the third.

Mr. Thompson moved the following resolution, viz:

*Resolved*, That the committee of courts of justice be instructed to inquire into the expediency of amending the law in relation to the sale of infants' real estate, and report by bill or otherwise.

Which was twice read and adopted.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the Commonwealth, Mr. Wingate in the chair; after some time spent in committee, Mr. Speaker resumed the chair, when Mr. Wingate reported, that the committee had, according to order, had under consideration a bill further to regulate the Bank of the Commonwealth, and had gone through the same, and made sundry amendments thereto, which he handed in at the clerks table.

The said amendments were twice read and concurred in.

*Ordered*, That the said bill be engrossed and read a third time to-morrow.

A message in writing was received from the Governor by Mr. Crittenden, Secretary of State, and a message informing the Senate that the Governor on this day, approved and signed an enrolled bill which originated in the Senate, entitled, an act to change the time of holding the Spencer circuit and county courts.

*Ordered*, That Mr. Wingate inform the House of Representatives of the approval and signing of said bill.



The Speaker laid before the Senate the annual report of the President of the Bank of Kentucky; which report is as follows:

BANK OF KENTUCKY, }  
December 11, 1829. }

HON. JOHN BREATHITT:

SIR—In the execution of the trust reposed in me as President of the Bank of Kentucky, and in conformity with the original charter, I have the honor to transmit herewith, a general statement of the condition of the institution on the 10th inst.

The State of Kentucky now holding an interest in this institution superior to that of individuals and corporate bodies collectively, (exclusive of the residuary interest) renders it in my estimation, peculiarly proper, that a more minute detail of the condition of the bank, than has heretofore been annually furnished, should now be submitted for your information.

It will be seen by reference to the report herewith submitted, that the "current profits" since the first day of January last amounts to the sum of \$39,816 88, and the current expences for the same period, to the sum of \$10,341 43, leaving an excess of clear and nett profits which have accrued on the operations of the institution, since the first day of January last, of \$29,475 45, which sum will, on the 31st inst. be carried to the general account of surplus profits.

It cannot be anticipated that the profits of the ensuing year, will equal those of the present, or that the expences of the institution can, to any considerable extent, be lessened; but it is confidently believed, that with proper exertions on the part of the President, Directors and Officers of the Bank, the business will be so far diminished the ensuing year, as to admit a corresponding diminution of expences. It may be proper here to remark, that the President and Directors have pressed the collection of debts due the institution, as far as the law regulating the calls on notes under regular discounts will allow: and for those due on decrees, judgments and replevin bonds, exertions have been, and are still making, to close them, having first, a just and proper regard to the ultimate safety of the debt; and secondly, of not compelling unfortunate individuals to make ruinous sacrifices to meet them.

The institution has, since the first day of January last, cancelled by payment, notes under the seal of the corporation, bearing interest and given for the redemption of notes payable to bearer, \$36,131 41, in silver; and the President and Directors have cancelled and burnt in the presence of the Auditor and Treasurer, notes payable to bearer, the sum of \$2,964, leaving in circulation \$38,065 24, for the redemption of which they are now paying silver on presentation.

I have great pleasure in reporting, that we have discharged by payment, the debt due to the Treasurer of the United States, amounting to \$27,363 12 in silver—and that the aggregate amount of payments made in silver since the first day of January last, is \$63,494 53.

The real estate which belonged to the institution, and sold within the current year, notwithstanding the great depression in value, amounts to \$67,394 67, nearly the whole of which sum was made payable in gold or silver, or notes of the corporation, while that acquired by sales under execution, decrees in chancery, or compromise, is very small in amount, though not yet precisely ascertained.

The loss sustained on the sales of real estate, made since the first day of January last, is as nearly as can be estimated, \$22,502 65, which sum has been carried to the debit of "surplus profits."

It is highly gratifying to be able to state, that notwithstanding the amount of real estate disposed of this year, such has been the effect of the policy pursued by the board of directors, in relation to this important branch of our interest, in causing the property to be put in good repair, and the securing and collecting of rents, the profits to the institution derived from that source, are more than equal to that of either of the two preceding years.

The stock now held in this institution, by the Commonwealth and individuals conjointly, is 11,755 shares, of which the State of Kentucky owns 5,967 shares, amounting nominally, to the sum of \$238,680; and individuals own 5,788 shares, amounting to \$231,248.

It will be seen by reference to the report, that there is now in the hands of the Cashier, in silver, and notes of solvent specie paying banks \$10,153 95, which fund is daily increasing, and will, in all probability, enable the President and Directors, at no distant period, to make a distribution of silver to the State and individual stockholders, without endangering the ability of the Bank to redeem its notes in silver, when presented—but by an act of the General Assembly, approved the fifth December, 1822, the President and Directors are restricted from making "a division of the specie funds until the notes shall be redeemed." This event will never happen, as all must admit, the loss and destruction of the notes of the Bank by various casualties, incident to the wide extent of their circulation, to be more or less; and I hazard little in saying, that the gain to the institution from that source, will fall little if any, short of \$20,000. This opinion is corroborated from the consideration, that great efforts have been made during the present year to ascertain the individuals in whose possession the notes of the institution if any were to be found, with a view to their redemption, has resulted in the collection of \$2,913 50 only, which were redeemed accordingly.

It is, therefore, respectfully submitted to the consideration of the Legislature, whether the restriction alluded to, be longer necessary or expedient.

It is further respectfully submitted, with a view to facilitate the final closing of the concerns of this Bank, whether any, and if any, what course should be adopted to induce the holders of the notes of the Bank to present them for payment.

I have the honor to be, most respectfully,  
P. DUDLEY, *President.*

Hon. J. J. CRITTENDEN, *Speaker House Rep.*

#### SITUATION OF THE BANK OF KENTUCKY,

DECEMBER 10TH, 1829.

Due to other banks	75 86	Current expences	
Notes issued	38,065 14	Due from other banks	10,341 43
Surplus profits	246,547 51	Real estate	7,422 31
Current profits	39,816 88	Due from individuals	347,303 14
Stock	469,928 00	Defalcation at branches	634,614 63
Do. residuary	203,520 00	CASH ON HAND.	29,056 11
Due to individuals	89,651 29	Silver	4,328 88

Notes of specie banks	5,825 07
Do. bank of the Com'th.	45,895 11
Uncurrent bank notes	2,408 25
Kentucky notes	409 75—58,867 06

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\$1,087,604 68

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\$1,087,604 68

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H. BLANTON, *Clerk.*

*Ordered,* That the said report be referred to the committee of finance.

And then the Senate adjourned.

## TUESDAY, DECEMBER 15, 1829.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills which originated in that House, of the following titles, viz:

An act making further provision for the sale of the lands and slaves of infants.

An act to authorize the trustees of the Rittenhouse academy to transfer and convey the property, both real and personal, belonging to said academy, to the trustees of the Kentucky Baptist Education Society, located at Georgetown.

An act to divorce Mary Drysdale from her husband, Reuben Drysdale.

An act to authorize the several county courts in this Commonwealth, to extend the districts of town constables beyond the town boundaries; and,

An act for the benefit of Mary Pedigo.

And the disagreement by that House to bills which originated in the Senate of the following titles, viz:

An act allowing additional constables to certain counties; and,

An act for the benefit of Jesse Corum;

And that they had concurred in amendments proposed by the Senate to a bill from that House, entitled, "an act to establish an election precinct in Green county."

And that they had received official information that the Governor had approved and signed an enrolled bill which originated in that House, entitled, "an act to enlarge the capital stock of the Louisville and Portland canal company."

Mr. Hardin, from the committee of finance, made the following report, viz:

The committee of finance, to whom was referred a resolution for the purpose of inquiring into the expediency of dispensing with the printing and binding of the private and local acts of the Assembly, have had the said resolution under consideration and respectfully report:



That in the opinion of the committee, the right of much property, particularly that of many tracts of land in the southern part of the State, depends upon those acts; that if those acts were not to be promulgated with the general laws, those whose rights depend upon them, many of whom are poor people, residing at a distance from the seat of Government, would be at the trouble and expense of procuring a copy of the particular act upon which his interest depended; and that in case the Secretary's office should be unfortunately consumed by fire, there would remain no evidence of the passage of said acts, except where office copies had been taken out; that as the printing, binding and carrying of the general acts have to be done, the evil consequences arising from the exclusion of those acts, would much overbalance the small saving in the expence, which would be effected by excluding those acts from the annual volume: Wherefore, your committee submit the following resolution:

*Resolved*, That it is not expedient to dispense with the printing and binding of the private and local acts of Assembly.

Which was twice read and concurred in.

The following bills were reported, viz:

By Mr. Hardin from the committee of finance—1. A bill to reduce the number of directors in the Bank of the Commonwealth, and for other purposes.

By Mr. M'Millan, from the committee of propositions and grievances—2. A bill to add part of Ohio to Daviess county; and, 3. A bill for the benefit of Anner Taylor.

By Mr. M'Millan, from the committee appointed for that purpose—4. A bill to authorize the insertion of advertisements in "the Winchester Republican," printed in Winchester; and,

By Mr. Faulkner, from the committee appointed for that purpose—5. A bill to allow an additional justice of the peace and constables for Garrard county.

Which were severally read the first time and ordered to be read a second time.

Whereupon the rule of the Senate, constitutional provision and second and third readings of the third and fifth bills having been dispensed with and the same being engrossed,

*Resolved*, That the said bills do pass and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Cunningham—1. A bill for the improvement of the navigation of Rough creek and Pond river.

On the motion of Mr. Rudd—2. A bill altering the time of holding the circuit court of Washington.

On the motion of Mr. Payne—3. A bill to incorporate the trustees of the Union Meeting House in Warren county.

On the motion of Mr. Campbell—4. A bill to establish a warehouse at the mouth of Jonathan's creek in Calloway county; and,

On the motion of Mr. Ray—5. A bill to amend the forfeiture law in relation to occupant claimants of land, so as to give actual settlers the benefit of all the forfeiture laws, to the extent and boundary of their patents, founded upon warrants issued previous to the first day of December, eighteen hundred and twenty-nine.

Messrs. Cunningham, Green, Townsend and Summers were appointed a committee to prepare and bring in the first; Messrs. Rodd, Ray and Hardin the second; Messrs. Payne, Townsend and Maupin the third; Messrs. Campbell, Summers and Payne the fourth; and Messrs. Ray, Edwards and Hardin the fifth.

On the motion of Mr. Rodman—

*Resolved*, That the committee on Internal Improvement, be instructed to inquire into the expediency of constructing a road from Frankfort to Milton, on the Ohio river, by way of Newcastle in Henry county.

Mr. Harris moved the following resolution, viz:

Whereas it is a subject of great importance to the State of Kentucky, to have a free intercourse with her sister States; and whereas the State of Virginia has opened and contracted to be opened, a great highway, from Richmond, the seat of government of said State, to the line between that and this State, which road reaches the boundary of this State at the mouth of Big Sandy river; which road, if met by a corresponding one from the seat of government in this State, would afford great facilities to the citizens thereof, in their intercourse with the seat of the general government, and many eastern cities, and in the transportation of the mail from Washington City to the western country, Therefore,

*Be it resolved by the Senate*, That the committee on Internal Improvement be instructed to inquire into the expediency and propriety of appointing engineers to survey and mark the most practicable route from the mouth of Big Sandy, *by way of Lexington*, to Frankfort, and devise the most practicable plan of opening the same, and report to this House by bill or otherwise.

Which being twice read,

On the motion of Mr. Fleming, the said resolution was amended by striking out the words "*by way of Lexington*."

The said resolution was then adopted.

On the motion of Mr. Faulkner, the message received from the Governor on yesterday, was taken up and read as follows, viz:  
*Gentlemen of the Senate:*

I nominate for your advice and consent, George Robertson, as Chief Justice of this Commonwealth.

In making this nomination, I will add the remark, that I once entertained a strong hope, that by the time of the meeting of this Legislature, intelligent public sentiment would have concentrated upon some one individual, of undoubted qualifications, for this office; and that that sentiment would have manifested itself

through the immediate representatives of the people, so as, in some degree, to aid the constituted authorities in making a proper and satisfactory selection.

But in this expectation I have been sadly disappointed. I see nothing before me; I hear of nothing around me, but division and subdivision, in relation to this matter.

So very ample are the materials happily abounding in our State, that our perplexity arises in the difficulty of making a selection from among the numerous personal, political and sectional favorites of their respective advocates. And thus it is, that walking in the blaze of light, we seem to have lost sight of our beacon.

In this dilemma, it is nevertheless my duty to act; and this I will do, with becoming independence, and with the more confidence, as I am fully aware of the sound discretion of the Senate; and of the entire disposition of that body to approve or disapprove of all nominations, with a single eye to the country's good.

The unsuccessful attempt heretofore made to restore the old Judges, having reduced me to the necessity of presenting to your consideration, for the office of Chief Justice, a lawyer of no experience on that bench, or the senior Judge, I have no hesitation in embracing the latter alternative; especially, as the reason signified for the rejection of that officer at the last session, was the union of his nomination with that of another to fill his vacancy, which is now withheld, my continued conviction of the fairness and frankness of that course, and the fact, that the father of his country, when acting as President of the United States, had set the example, notwithstanding. With this explanation of my views, the matter is submitted to the Senate, with due deference and with a determination on my part, cheerfully to acquiesce in its decision.

THOMAS METCALFE.

December 14, 1829.

On the motion of Mr. Hardin, the said nomination was laid on the table until to-morrow.

Mr. Hardin moved the following resolution, viz:

*Resolved by the Senate,* That the Governor be respectfully requested to transmit to the Senate all letters, recommendations, and papers, now on file in the Secretary's office, or in his possession, of and concerning the nomination of George Robertson as Chief Justice of Kentucky: *Provided,* the Governor may withhold any communication which he may consider confidential, or improper to be communicated.

Which was twice read, and on the motion of Mr. M'Connell, laid on the table till to-morrow.

Mr. Brown, from the committee to whom was referred, a bill from the House of Representatives, entitled, "an act to allow the



Independent Banks in this Commonwealth further time to settle their concerns," reported the same with an amendment;

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass and that the title thereof be as aforesaid.

Mr. Wingate from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, viz:

An act to amend an act entitled, "an act appropriating fines and forfeitures for the purposes of promoting education."

An act to incorporate the Lewis Pottery Company for the purpose of manufacturing Queensware and China at Louisville.

An act for the benefit of Ann Angel, relict of William Angel deceased.

An act to provide for the appointment of trustees to the Lancaster seminary.

An act to authorize the Lexington White Lead Manufacturing Company to close and dispose of said establishment.

An act to authorize the sale of certain ground in the town of Russellville; and,

A joint resolution relative to the public printer;

And had found the same truly enrolled: and that the said bills and resolution had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

A bill to compel litigants to give security for costs in certain cases,

Was read the second time and amended.

*Ordered*, That the public printer print one hundred and fifty copies of said bill for the use of the General Assembly.

An engrossed bill entitled, an act to regulate attachments in civil cases.

Was read the third time and committed to a committee of Messrs. M'Connell, Hardin, Thompson and Thornton.

Mr. Harris was added to the committee on Internal Improvement and Domestic Manufactures.

A bill from the House of Representatives entitled, "an act to continue in force "an act for the benefit of the headright and Tellico settlers;" was read the third time.

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act for the benefit of Edward M. Holden,"

Was read a second time and ordered to be read a third time.

A bill from the House of Representatives entitled, "an act to take the sense of the people as to the propriety of calling a convention," was read the first time as follows, viz:

Whereas it is represented that many of the good people of this Commonwealth are desirous of having an opportunity of voting, in regard to the necessity and expediency of calling a convention, to consider of amending the constitution of this State: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the sheriffs and judges, at the several places appointed to hold the annual elections in the year 1830, to open columns in their several poll books, for qualified voters to vote for a convention; and it shall be the duty of the several sheriffs aforesaid, to make a true and faithful return to the Secretary of State, within thirty days after the close of the polls, of all the votes which may have been given within their respective counties, for a convention, to be by said Secretary, laid before the General Assembly at their next annual session, within the first week thereof.

Sec. 2. *Be it further enacted,* That any sheriff failing to transmit by mail, his official statement of the votes given as above provided, shall be subject to a fine of six hundred dollars, to be recovered by action of debt, by any person suing for the same, in any court having competent jurisdiction thereof, and shall also be subject, upon conviction of such failure, to removal from office.

Sec. 3. *Be it further enacted,* That it shall be the duty of the several sheriffs, to read or cause to be read, this act, at their several places of voting in their respective counties, at the opening of the polls on each day of the next annual election; and in case of failure so to do, the said officer shall be subject to the same penalties which are above prescribed for his failing to transmit his official statements.

Sec. 4. *Be it further enacted,* That the public printer shall, upon a separate leaf or sheet, print twelve hundred copies of this act, and furnish them to the Secretary of State, who shall send to each county, at the time of forwarding the acts of Assembly, &c. forward to the clerks office of the county court of each county in this State, ten of these copies; and the Secretary shall take a receipt of the carriers thereof, who shall take the receipts of the respective clerks to whom he may deliver them; and the respective clerks of county courts shall deliver the same to the high sheriff of his county and take his receipt for the same, a copy of which shall be by such sheriff, delivered to each of his deputies, to be by them read at their several precincts as required by this act.

And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Hardin and Faulkner, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Gibson, Green, Griffin, Harris, Hughes, Maupin, M'Connell, Payne, Ray, Rodman, Stephens, Townsend and Wood—18.

NAYS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Hardin, M'Millan, Miller, Owsley, Rudd, Selby, Summers, Taylor, Thompson, Thornton, White, Wickliffe, Williams and Wingate—19.

And then the Senate adjourned.

### WEDNESDAY, DECEMBER 16, 1829.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills which originated in that House, of the following titles, viz:

An act to amend an act entitled, "an act to amend and reduce into one the execution laws of this State."

An act for the benefit of Shippingsport.

An act for the benefit of the town of Port-William in Gallatin county; and,

An act to change the time of holding courts in certain counties, and for other purposes.

And that they have received official information that the Governor on yesterday approved and signed enrolled bills and a resolution which originated in that House, entitled:

An act for the benefit of Ann Angel, relict of William Angel deceased.

An act to provide for the appointment of trustees to the Lancaster seminary.

A joint resolution relative to the office of public printer.

An act to amend an act entitled, "an act appropriating fines and forfeitures for the purposes of promoting education."

An act to authorize the Lexington White Lead Manufacturing Company to close and dispose of said establishment.

An act authorizing the sale of certain ground in the town of Russellville.

An act to incorporate the Lewis Pottery Company, for the purpose of manufacturing Queensware and China at Louisville.

Mr. Fleming presented the petition of Joseph Barnes and Phebe his wife and their children, praying that a law may pass authorizing the sale of a tract of land in Fleming county, devis-



ed to the said Phebe by her father, and that the proceeds of the sale be vested in other lands; and,

Mr. Wickliffe presented the petition of Samuel M. Grant, Robert C. Harrison and Robert Innis, praying that a law may pass authorizing them to erect gates across certain public roads in Fayette county.

The said petitions were received, read and referred to the committee of courts of justice.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Rudd—A bill to alter the time of holding the Washington circuit courts.

By Mr. Wingate—A bill to authorize the county court of Owen county to sell and convey the lot of ground on which the old jail stands; and,

By Mr. Brown—A bill for the benefit of Azra Offutt.

Which bills were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass and that the titles thereof be as aforesaid.

Mr. Campbell, from the committee appointed for that purpose reported, a bill for the benefit of the settlers west of the Tennessee river.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was referred to the committee of finance.

Mr. M'Connell, from the committee appointed for that purpose, reported a bill to amend the law in relation to opening and repairing the public roads; and,

Mr. Payne, from the committee appointed for that purpose, reported a bill to incorporate the trustees of the Union Meeting House in Warren county.

The said bills were each read the first time and ordered to be read a second time.

*Ordered*, That the public printer print one hundred and fifty copies of said bills for the use of the General Assembly.

Mr. Wickliffe moved the following resolution, viz:

*Resolved*, That the committee of courts of justice be instructed to bring in a bill repealing all acts or parts of acts that allow judges to reside out of their judicial districts, and requiring them, within a limited time, to remove into their respective districts.

Which being twice read, Mr. Hardin moved to amend the same by striking out the words, "*bring in a bill*," printed in ital-

icks, and inserting in lieu thereof the words, *inquire into the expediency of*.

And the question being taken on the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Hardin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cunningham, Fleming, Gibson, Griffin, Hardin, Harris, Hughes, M'Connell, Miller, Rodman, Rudd, Selby, Stephens, Taylor, Thompson, White, Williams, Wingate and Wood—21.

NAYS—Messrs. Brown, Edwards, Faulkner, Fulton, George, M'Millan, Owsley, Payne, Ray, Summers, Thornton, Townsend and Wickliffe—13.

The said resolution was then adopted.

Mr. Wingate, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the regulation of the town of Cadiz.

An act for the benefit of Temple and Sally West; and,

An act to establish an election precinct in Green county.

And had found the same truly enrolled, and that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported, that the committee had performed that duty.

Mr. Brown, from the majority, moved a reconsideration of the vote given on yesterday, by which was passed a bill from the House of Representatives, entitled, "an act to allow the Independent Banks in this Commonwealth further time to settle their concerns."

And the question being taken thereon it was decided in the affirmative.

The said bill was then recommitted to a committee of Messrs. Thornton, Brown, Fleming and Hardin.

The nomination of George Robertson as Chief Justice of this Commonwealth was again taken up.

And the question being taken on advising and consenting to the appointment of George Robertson as Chief Justice of this Commonwealth, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fleming and Faulkner, were as follows, viz:

YEAS—Messrs. Allen, Brown, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Green, M'Millan, M'Connell, Miller, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—22.

NAYS—Messrs. Barrett, Campbell, Fulton, Griffin, Hardin, Harris, Hughes, Maupin, Ray, Rodman, Rudd, Selby, Stephens, Wingate and Wood—15.

*Ordered*, That Messrs. Wickliffe and Faulkner inform the Governor thereof.

A bill to amend the law concerning free persons of color, was read the second time, amended, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title be, an act to amend the law concerning slaves, and for other purposes.

And then the Senate adjourned.

#### THURSDAY, DECEMBER 17, 1829.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of a bill which originated in that House entitled, "an act for the benefit of the South Fork separte Baptist Church in Casey county," and "a resolution for burning a portion of the notes of the Bank of the Commonwealth."

Mr. Thornton, from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to allow the Independent Banks in this Commonwealth further time to settle their concerns," reported the same with an amendment:

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be again read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. M'Connell, from the committee to whom was referred, an engrossed bill entitled, an act to regulate attachments in civil cases, reported the same with an amendment;

Which was twice read and concurred in.

*Ordered*, That the said bill be re-engrossed and again read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Harris moved for leave to bring in a bill to provide for



the opening of a road from Floyd court house to Little Sandy Salt works, by way of Paintsville and Woods' ford on Blaine.

The motion presented on the said title was referred to the committee on Internal Improvements.

Mr. Edwards moved the following resolution, viz:

*Resolved*, That the committee for courts of justice inquire into the expediency of amending the laws regulating conveyances, and report by bill or otherwise.

Which was twice read and adopted.

Mr. M'Millan, from the committee of propositions and grievances, reported a bill to authorize George M. Bedinger to erect a toll bridge across main Licking river:

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of Internal Improvements.

Mr. Wickliffe, from the committee of courts of justice, reported a bill for the relief of Robert C. Harrison and others:

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was referred to a select committee of Messrs. Maupin, Wickliffe and Thornton.

A bill to compel litigants to give security for costs in certain cases, was taken up.

The first section of the said bill is as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the defendant in any action of tort, ejectment, writ of right, bill in chancery setting up an elder special entry against an elder patent, or other suit for the title or possession of land, where such defendant holds by an adversary claim or title, except in cases of forcible entry or detainer, may at any time before the trial of such suit or action, move the court in which the same is depending for security for costs, and thereupon the court shall award a rule against the plaintiff or lessor of the plaintiff, requiring good and sufficient security for costs, within a reasonable time, to be fixed by the court, and in case of failure, such suit shall stand *ipso facto* dismissed, and it shall not be necessary to serve the plaintiff or lessor of the plaintiff, with a copy of such rule.

Mr. Hardin moved to amend the said section by adding thereto the following proviso, viz:

*Provided*, Nothing contained in this section shall be so construed as to prevent the court from authorizing the lessors in an action of ejectment, or the demandant in a writ of right, or complainant in chancery, to prosecute their writ or writs, without giving

security for costs, if it shall appear to the court that they are unable to give such security; *And provided further*, Such lessor, demandant or complainant shall be a citizen of this State.

And the question being taken on adopting the said amendments, it was decided in the negative; the Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. McConnell and Fleming, were as follows, viz:

YEAS—Messrs. Allen, Campbell, Edwards, Faulkner, Griffin, Hardin, Harris, Hughes, Owsley, Payne, Ray, Rodman, Selby, Stephens, Taylor, Thompson and Wood—17.

NAYS—Messrs. Barrett, Brown, Cunningham, Fleming, Fulton, George, Gibson, Maupin, M'Millan, McConnell, Rudd, Summers, Thornton, Townsend, White, Williams and Wingate—17.

The said bill was amended, and ordered to be engrossed and read a third time to-morrow.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary of State.

The Speaker laid before the Senate a letter from R. H. Chinn, enclosing a report and petition of the trustees of Transylvania University, which are as follows, viz:

*Frankfort, December 17, 1829.*

DEAR SIR—I am charged with the annexed report and petition of the trustees of Transylvania University.

They desire that you will lay the same before the body over which you preside.

Very respectfully,

R. H. CHINN.

At a meeting of the trustees of Transylvania University, December 11, 1829, a petition to the Legislature was presented and unanimously adopted as follows:

*To the General Assembly of the Commonwealth of Kentucky.*

The trustees of Transylvania University, mindful of the duty which they owe to the institution over whose destiny they have been called to preside, and aware of the deep interest which the people of Kentucky feel in the prosperity of every thing calculated to advance the cause of learning, and to perpetuate our republican institutions—sensibly impressed that the members of the General Assembly participate in those feelings—and remembering that they constitute a body, whose peculiar province it is, to watch over, guard and protect this institution; beg leave to report its present condition and prospects, and most respectfully to suggest some of its wants.

Since the session of the last General Assembly, it has pleased Divine Providence to visit Transylvania with a calamity of a most serious kind.

The destruction of the principal building by fire on the night of the 9th day of May last, was to the friends of the institution, a deplorable event. Not only the destruction of a tasty and spacious edifice, that had cost the State upwards of thirty thousand dollars, but the whole of the law library, containing about 600 volumes and a part of the academical library, together with the furniture and clothing, &c. of the students, were enveloped in the devouring flames.

The philosophical apparatus suffered much damage in the hurried efforts to remove it to a place of safety; but little, however, was entirely lost. That, together with the principal part of the academical library, was saved by extraordinary and hazardous exertions made by the citizens of Lexington, who, in common with the good citizens of this Commonwealth, feel the liveliest interest in the perpetuation and prosperity of this valuable institution.

By the liberality of the trustees of the town of Lexington, manifested as well in this, as on former occasions, under the approbation, no doubt, of their constituents, the trustees of the University were enabled, some years since, to effect insurances upon the building, to the extent of \$10,000. These insurances were, through the munificence of the same body, happily continued to the period of the destruction of the edifice; and the trustees have the gratification of saying, they have received the money, and have temporarily vested it upon loan with ample security, rendering an interest to the institution of six per cent.

The calamity arose at a period inauspicious for the work of rebuilding, and the funds were regarded as insufficient. Hopes were entertained, that during the present fall or winter, the estate of the late Col. Morrison, would be so far settled as to enable the trustees to ascertain whether any thing would arise out of the residuary bequest contained in his will; and if any thing, that they might be enabled to realize the same, in time for commencing the work early next spring. This fund, (if sufficient) it will be recollected, is, by the will, directed to be expended in the erection of a college edifice in the town of Lexington. These considerations induced the trustees to effect the loan of her funds, which they trust will meet the approbation and concurrence of your honorable body.

It was also hoped, that an appeal would not be made, in vain, to the liberal and enlightened members of your body, for aid in rebuilding the edifice, and enabling the trustees to appropriate the \$10,000 saved by the munificence of the town, in repairing the philosophical apparatus and supplying lost books, purchasing additional ones, or in the endowment of a professorship. Whilst we are in the rear of our sister and junior States, in the works of art, or in those public works which adorn a country and enrich a people, we trust the day will never arise when we shall be compelled to acknowledge an inferiority in all those public works which adorn and ennoble man. Virtue in our people, and wisdom in our councils, have been the boast of Kentucky. These are to be preserved and perpetuated by fostering institutions of learning, and promoting the cause of science. By these means also, are our happy and free political institutions to be forever perpetuated.

Until there shall be a termination of some suits against the estate of the late Col. Morrison, particularly one in which a large amount is claimed, it will be impossible for the trustees to anticipate the expected fund, without the aid of the Legislature.

Although the destruction of the principal building was, for a moment, appalling to the friends of the institution, the trustees are happy to inform the Legislature, that the course of instruction was not, for a single day, impeded. Other buildings were immediately occupied, and although at considerable inconvenience to the pupils, yet the increased energies and exertions of the officers, went far towards compensation.



There are now connected with the institution, 80 pupils in the college proper, 56 in the preparatory department, and 200 in the medical department, besides those attached to the law school.

Under all the vicissitudes attending institutions of learning, none, it is believed at this time, have higher claims to public confidence than Transylvania. All the departments are filled with instructors, whose fame, attainments and devotion to learning, may safely challenge competition.

The medical department did not suffer by the conflagration. A separate building, which had been constructed for the purpose, by the citizens of the town of Lexington, contained every thing peculiarly dear to her. Her march is, emphatically, upwards and onwards: drawing annually upon our sister and elder States for a large amount of money that would otherwise be expended beyond the mountains; imparting Kentucky's habits, feelings and endearments to a large, respectable and talented number of individuals, and sending them forth learned, enlightened and adorned, who will, in turn, reflect honor upon their *alma mater*.

Since the last session of the Legislature, the professorship of law has been conferred upon the Hon. John Boyle, who has accepted the appointment, and who is now organizing the department, and commencing a course of instruction. It would be an act of supererogation, to speak of the prospects of this department, after having announced the name of the professor.

It will appear from past reports, (to which we beg leave, generally, to refer your honorable body) that college proper, is now mainly sustained by subscriptions of individuals in the town of Lexington and county of Fayette. This resource is limited, by the terms of the subscription, to two years after the present, nor can we hope for its continuance beyond that period. Unparalleled exertions have been made by the citizens, and by the town in its corporate character, to advance its interests and ensure its prosperity and usefulness; in large subscriptions to procure the emigration and services of medical professors of eminence, during the infancy of that department; in constructing an expensive edifice for its accommodation; in advancing a large sum towards the procurement of a library and anatomical museum; in a subscription of \$3,500 annually, for four years, with the privilege of tuition to its extent; in the insurance of the principal building against fire; in liberal donations of books; and last, though not least, the endowment of a professorship by a single individual; and the donation of the residuum of his estate, which may amount to a sum beyond \$50,000.

It is the present policy of the institution, to render instruction as cheap, as universal, and as profitable as possible. To these ends, simplicity and cheapness of dress is enjoined. Almost all subjects of human learning are taught, and the president and professors make their lecture rooms their offices, where they are, at all times, accessible to each other and to the students.

Such are its present condition and prospects.

Its wants can be enumerated in a few words. The leading one is suitable buildings.

An accession to the library, and a small addition to the philosophical apparatus, are most devoutly to be wished for.

For the first, hereafter, an ample fund may be realized; for the present,

aid in anticipating it, may save the institution from ruin, and preserve that fund which may otherwise become a lapsed legacy.

For the two latter, we must rely upon God and our country; to the one, we offer our supplications; and to the enlightened and liberal representatives of the other, this, our petition for the perpetuation of the blessings of this institution, to our common country.

*Resolved*, That Messrs. Chinn, Hickey, Hall and Breckinridge, be appointed a committee to present the foregoing report to the Legislature of Kentucky, now in session.

A true extract from the records of T. U.

Attest,

H. I. BODLEY, *Clerk*.

*Ordered*, That the said report and petition be referred to the committee on Transylvania University, and that the public printer print one hundred and fifty copies thereof, for the use of the General Assembly.

A bill to amend the law in relation to executors, administrators and guardians, and for the equitable distribution of the assets amongst creditors, was read the second time and committed to a committee of Messrs. Thornton, M'Connell and Fleming.

An engrossed bill entitled, an act further to regulate the Bank of the Commonwealth, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Allen and Maupin, were as follows, viz:

YEAS—Messrs. Barrett, Brown, Campbell, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Hardin, Harris, Hughes, Maupin, M'Millan, M'Connell, Owsley, Payne, Ray, Rodman, Rudd, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe, Williams, Wingate and Wood—30.

NAYS—Messrs. Allen, Fulton, Green, Griffin, Selby and Stephens—6.

*Resolved*, That the title of the said bill be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to change the place of voting in an election precinct in Hardin county, from John Buckles' to Stephen Southern's, and for other purposes.

2. An act to allow additional justices of the peace and constables to certain counties.

3. An act authorizing the sheriff of Wayne county to be qualified at the March term.

4. An act to reduce the number of trustees to the Newcastle seminary to five.

5. An act making further provision for the sale of the lands and slaves of infants.

6. An act to authorize the trustees of the Rittenhouse academy to transfer and convey the property, both real and per-

sonal belonging to said academy, to the trustees of the Kentucky Baptist Education Society, located at Georgetown, Scott county.

7. An act to divorce Mary Drysdale from her husband Reuben Drysdale.

8. An act for the benefit of Mary Pedigo; and,

9. An act to amend an act entitled, "an act to amend and reduce into one the execution laws of this State."

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the first, fourth and eighth bills having been dispensed with, they were committed; the first to a committee of Messrs. Harris, Ray and Williams; the fourth to a committee of Messrs. Rodman, Wingate and Gibson, and the eighth to the committee of finance.

The rule of the Senate, constitutional provision and second and third readings of the sixth bill having been dispensed with,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

*Ordered*, That the public printer print fifty copies of the fifth bill for the use of the Senate.

A bill from the House of Representatives entitled, "an act to authorize the several county courts in this Commonwealth to extend the districts of town constables beyond the town boundaries," was read the first time.

Mr. Maupin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Fulton, were as follows, viz:

YEAS—Messrs. Campbell, Faulkner, Fulton, George, Maupin, Ray, Rodman and Selby—8.

NAYS—Messrs. Allen, Barrett, Brown, Cunningham, Edwards, Fleming, Gibson, Green, Griffin, Hardin, Harris, Hughes, M'Millan, M'Connell, Miller, Owsley, Payne, Rudd, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe, Williams, Wingate and Wood—29.

*Ordered*, That the said bill be read a second time.

The following bills were severally read the second time:

1. A bill to reduce the number of directors in the Bank of the Commonwealth, and for other purposes.

2. A bill to add a part of Ohio to Daviess county; and,

3. A bill to authorize the insertion of advertisements in the Winchester Republican, printed in Winchester.

The first bill was committed to the committee of finance; the second to a committee of Messrs. Green, Cunningham and Hughes; and the third was ordered to be engrossed and read a third time.



The rule of the Senate, constitutional provision and third reading of the said third bill having been dispensed with and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act for the benefit of Edward M. Holden," was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wickliffe—1. A bill to provide for primary schools, and for other purposes.

On the motion of Mr. Rodman—2. A bill to curtail the powers of the county court of Henry; and,

On the motion of Mr. Hardin—3. A bill further to regulate the appointment of justices of the peace in Nelson county.

Messrs. Wickliffe, Thompson, Allen, Hardin and Thornton were appointed a committee to prepare and bring in the first; Messrs. Rodman, Williams and Gibson the second; and Messrs. Hardin, Ray and Fleming the third.

And then the Senate adjourned.

#### FRIDAY, DECEMBER 18, 1829.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had received official information that the Governor, on the 16th instant, approved and signed enrolled bills which originated in that House of the following titles, viz:

An act for the benefit of Temple and Sally West.

An act to establish an election precinct in Green county; and,

An act for the regulation of the town of Cadiz.

1. Mr. Wingate presented the petition of sundry citizens of Franklin county, praying that the Senate advise and consent to the appointment of Daniel Mayes, Esq. as circuit judge of the fourth judicial district.

2. Mr. Williams presented the petition of sundry citizens of Montgomery county, praying that the laws concerning the public roads may be amended.

3. Mr. Green presented the petition of sundry citizens of the counties of Breckenridge and Ohio, praying that a law may pass adding a part of said counties to the county of Hancock.

4. And also a petition counter thereto.

Which petitions were severally received, read and referred; the first to the committee of courts of justice; the second to the committee of Internal Improvements; the third and fourth to the committee of propositions and grievances.

Mr. Hughes presented the annual report of the managers of the Louisville Hospital, which was received and read as follows, viz:

*To the honorable the Senate and the House of Representatives of the Commonwealth of Kentucky, assembled.*

The period has again returned, when it becomes the duty of the managers of the Louisville Hospital to present to your minds, the true state of this institution.

In conformity with the provisions of the act establishing the Hospital, there have been received within the last year, one hundred and forty-four sick and disabled boatmen and mariners, as the statement of the Stewart and resident Physician marked A, which is hereunto annexed, will more minutely explain. Of this number, one hundred and eleven have been discharged as cured, twenty-two have died, and eleven remain in. During this period, the receipts of the Hospital fund from auction sales, were \$3,604 23 1-2, and the expenditures for the support of the sick \$3,704 94.

Your honorable body will perceive that its disbursements have necessarily greatly increased, in the ratio of the number of the invalids received into the Hospital; and while this continues to be the case, calls for greater exertion to meet the growing demands arising from the sufferings of that active but useful portion of our fellow beings, who are necessarily exposed, by their occupation, to the vicissitudes of heat and cold, and the pestilential atmosphere of a southern climate. Further protection is required—more money is wanted—additional apartments in the Hospital must be fitted up for their accommodation. For let the Legislature bare in mind, one half of the centre building still remains unfinished; a good supply of medicines are much required; surgical instruments wanted; and the Hospital grounds are not protected by a good and sufficient enclosure; all these things it is utterly out of the power of the managers to do, without using the funds left in their hands for other and more legitimate purposes. Your managers feel it a sense of duty to set these matters before you in their true light, that you might be better able to apply the proper remedy. Five thousand dollars will happily relieve all the wants arising from these sources, and place this institution upon a permanent basis. And while we feel it an imperious duty to make this statement, we would not withhold the expression of that satisfaction we have felt, in common with our fellow-citizens, in the great and lasting benefits which have already been realized by those who have left this asylum and are once more restored to the blessings of health and restored to the bosom of their families and friends.

Your managers feel it their duty also, to say that as far as they are capable of judging, the attending Physicians and Surgeons have discharged their arduous duties with great success, skill

and perseverance. While the patient, kind and attentive duties of the resident Physician and Stewart, demand and receive their proper acknowledgments.

At a meeting of the board of managers of the Louisville Hospital, on the 12th December, 1829, the above report was made, which was concurred in by the board and ordered to be certified to the honorable the General Assembly of the Commonwealth of Kentucky.

A true copy from the minutes.

(Signed,)

WM. S. VERNON, *Secretary.*

A

*List of the boatmen which have been received into this institution for the month of December, 1828, and the present year ending the first instant, together with their nativity, discharges and deaths.*

Names.	When admitted.	Nativity.	Discharge.	Deaths.
	1828.			
James Mahan,	Dec. 1.	Ohio,	Dec. 2	
Edwd. Huestis,	" 3	New-York,	" 30	
Francis B. Noyes,	" 6	Maine,	Jan. 5	
David Price,	" "	Pennsylvania,	Dec. 11	
John Baker,	" 11	do.		Jan. 21
Jonas Jones,	" 13	Ohio,	Feb. 5	
Louis Shaden,	" 15	Germany,	Dec. 23	
Robt. Wills,	" 15	Pennsylvania,	" 16	
Wm. Willison,	" 17	Virginia,	" 29	
Christian Kensall,	" 19	Pennsylvania,	Jan. 23 '29	
Wm. Baird,	" 29	Ireland,	May 9	
	1829.			
John Powell,	Jan. 5	Amsterdam,	Jan. 5	
John Smith,	" 13	Kentucky,	April 27	
Robert Smith,	" "	do.	Feb. 5	
Wm. Ervin,	" 14	Tennessee,	March 25	
Jas. Williams,	" 19	do.		Jan. 22
Henry M'Divet,	" 19	Pennsylvania,	March 2	
James Spears,	" 31	New-York,	" 2	
David Mumay,	Feb. 6	Scotland,	" 2	
Robt. Wills,	" 12	Pennsylvania,	" 23	
Thomas Hall,	" 15	do.	" 2	
Kiel Buel,	" 25	Connecticut,	" 25	
John Bodwell,	March 3	Ohio,		March 3
Geo. Henshaw,	" 7	England,	April 16	
Jas. Wiggons,	" "	Pennsylvania,	May 5	
A. J. Mantz,	" 10	Isle of Man,	March 20	
Sam. Correl,	" 16	Virginia,	April 14	
Geo. Kitchen,	" 21	New-Jersey,	May 8	

M



Names.	When admitted.	Nativity.	Discharge.	Deaths.
Hugh Ludevick,	" 23	Ireland,	May 15	
Jas. Mahan,	March 23	Ohio,	" 25	
Wm. Graham,	April 1	Pennsylvania,	April 28	
Sam. Walker,	" 11	Virginia,	" 14	
Paulus Irwin,	" 12	Pennsylvania,	12	
Thos. Hearn,	" 18	Maryland,	May 20	
Jas. Duval,	" 20	Virginia,	June 1	
Jas. Spear,	" 21	New-York,	May 6	
John Powell,	" 22	Amsterdam,	18	
Patrick Burk,	" 23	Kentucky,	20	
Wm. Cordwell,	" 27	Boston,	4	
John Colgin,	May 11	Ireland,	July 22	
Robt Millar,	" 17	Scotland,		May 23
Sam. Terrice,	" 21	Connecticut,		June 27
Nicholas Ricks,	" "	Germany,	July 24	
M. Markland,	24	Pennsylvania,	25	
Jno. Read,	24	do.	May 31	
Jos. Webster,	28	Vermont,	June 8	
L. M'Dernitt,	29	Pennsylvania,	July 28	
Jas. Boden,	June 1	Ireland,	23	
Fred. Pole,	1	Prussia,	8	
Jno. Burgin,	5	Ireland,	June 10	
N. Jones,	12	Virginia,	July 25	
Isaac Ransom,	12	New-York,	June 29	
Jas. Goodwin,	15	Virginia,		June 19
Jacob Reese,	16	Kentucky,		20
Adam Hill,	17	Ireland,	Aug. 9	
Jno. Campbell,	18	do.	July 28	
Jas. Conner,	23	do.		July 13
Jas. M'Grannahan,	23	do.	Aug. 8	
Rich. Burk,	July 2	do.	July 13	
Jno. Watkins,	" 3	New-York,	Sept. 3	
Luke Gillespy,	5	Ireland,	July 10	
Wm. Davis,	6	England,	23	
Chas. Mills,	6	Connecticut,	Aug. 12	
R. Guers,	10	New-Jersey,	July 23	
D. Murray,	10	Scotland,	29	
R. Wills,	14	Pennsylvania,	19	
Jno. Barry,	17	Ireland,		July 17
Wm. Gibson,	17	Vermont,	Aug. 9	
Jno. Cosgrove,	17	Kentucky,	3	
N. Hill,	18	England,	9	
A. C. Curtis,	17	Kentucky,	9	
Jonas Shackelon,	20	Ireland,	3	

Names.	When admitted.	Nativity.	Discharge.	Deaths.
A. Farrel,	July 20	do.	Aug. 1	
David Long,	20	Pennsylvania,	July 28	
A. Agen,	24	Ireland,		Aug. 15
Jno. McCallister,	24	Kentucky,	Aug. 1	
Jno. Pendleton,	24	New-York,	15	
L. Rogers,	26	Maine,	Oct. 5	
A. McCollock,	27	Kentucky,	Aug. 18	
D. Henderson,	27	Scotland,	Sept. 14	
A. Richardson,	28	England,	Aug. 9	
Isaac Fuller,	30	Connecticut,		Aug. 2
A. Simonds,	Aug. 2	Vermont,	Nov. 9	
Peter Kennedy,	7	Massachusetts,	Aug. 14	
B. Futey,	7	Kentucky,		Aug. 10
F. Boarbaam,	8	Denmark,	Sept. 15	
L. Waters,	8	Holland,		Aug. 12
Jas. Millar,	8	Scotland,	Sept. 15	
James Wetherby,	10	New-York,	Aug. 25	
James Waggoner,	10	Pennsylvania,	22	
John Coon,	11	Ireland,	Sept. 26	
Franklin Smith,	12	Tennessee,	Aug. 22	
Walter McConkey,	13	Maryland,	Sept. 14	
Peter Dumeris,	14	Canada,		Aug. 16
Jas. Gony,	18	Ireland,	Sept. 22	
Jas. Ryley,	18	do.	21	
F. R. Cokely,	18	Pennsylvania,		Aug. 21
Jno. C. Conner,	21	Ireland,	Sept. 16	
Jas. McClan,	22	New-York,		Aug. 27
T. Griffith,	26	do.		Oct. 26
Jno. Paris,	26	Venice,	Sept. 4	
Walter Habbitt,	27	Virginia,	12	
Peter Kelly,	27	Ireland,	13	
N. Graven,	28	Virginia,	2	
T. Martin,	28	do.		Sept. 6
Jas. Wetherby,	29	New-York,	Oct. 5	
Chas. Mills,	29	Connecticut,	8	
B. O. Neale,	28	Virginia,	Nov. 19	
Isaac Ransom,	Sept. 1	New-York,	Sept. 22	
Wm. Hall,	2	N. Hampshire	16	
Danl. McCarty,	3	Ireland,		Sept. 14
Christian Staab,	4	Germany,	Sept. 10	
A. Meaghan,	7	Ireland,	Oct. 13	
B. Buan,	8	Virginia,	13	
B. A. Vandell,	9	New-York,	Sept. 17	
Wm. White,	9	Massachusetts,		Sept. 13
Jas. Nay,	14	Ireland,	Oct. 28	

Names.	When admitted.	Nativity.	Discharge.	Deaths.
F. Boarham,	Sept. 16	Denmark,	Oct. 18	
A. Curtis,	19	N. Carolina,	13	
Wm. Green,	21	England,		Nov. 7
Jno. Watkins,	21	New-York,	Sept. 22	
Jas. Dashwood,	21	Ireland,	29	
Benj. Smith,	22	Tennessee,	Oct. 10	
Jno. Rogers,	22	New-York,	Nov. 29	
Jas. Robinson,	24	do.	Oct. 5	
Chas. Gibbs,	25	Carolina,	Remains	
D. Murray,	25	Scotland,	Oct. 5	
Isaac Ransom,	26	New-York,	Remains	
Jas. Gondy,	Oct. 14	Ireland,	do.	
Rich. Coffee,	16	Maryland,	Nov. 18	
James Robinson,	16	New-York,	Oct. 26	
Jno. Gallahan,	20	Ireland,	Remains	
Jno. Paris,	21	Venice,	Nov. 25	
L. Smith, colored,	24	Pennsylvania,	Remains	
Edwd. Smith,	24	New-York,	Oct. 26	
Jno. Bobart,	26	Pennsylvania,		Oct. 31
Wm. McGinnis,	29	Maryland,	Remains	
Jno. Wilmot,	30	New-York,	Dec. 1	
N. Hill,	30	Rhode Island,	Remains	
Wm. Henry,	Nov. 1	Kentucky,	do.	
P. H. Mallary,	5	do.	Dec. 3	
H. Gondy,	10	Ireland,	Remains	
Isaac Williamson,	19	Virginia,	Nov. 25	
Rich. Randolph,	30	England,	Remains	

(Signed,)

B. H. HALL, M. D.

*Res. Phys. and Sup. Lou. Hospital.*

A true copy.

W. S. VERNON, *Secretary.*

December 4, 1824.

*Ordered,* That the said report be referred to the committee of finance.

Mr. Wingate from the committee of enrollments reported, that the committee had examined an enrolled bill entitled, an act to continue in force "an act for the benefit of the headright and Tellico settlers, and for other purposes."

And had found the same truly enrolled: and that the said bill had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto and it was delivered to the committee to be laid before the Governor for his approbation and signature.



After a short time, Mr. Wingate reported that the committee had discharged that duty.

Mr. Hardin, from the committee of finance, reported a bill for the benefit of the widow and heirs of Elias Cox, deceased.

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with,

*Ordered*, That the said bill be engrossed and read a third time to-morrow.

Mr. Rodman from the committee appointed for that purpose, reported a bill to curtail the power of the county court of Henry, Which was read the first time and ordered to be read a second time.

Whereupon the rule of the Senate, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

On motion of Mr. Fleming, the following resolution was adopted, viz:

*Resolved*, That the committee of courts of justice be requested to inquire into the expediency of so amending the laws in relation to awarding injunctions, as to compel all those who apply for injunctions before justices of the peace, to give notice of the time and place of applying for the same.

On motion of Mr. Harris, the following resolution was adopted, viz:

*Resolved*, That the committee of courts of justice be requested to inquire into the expediency of so amending the laws in civil cases, as to permit the depositions of witnesses to be read as evidence on trials in suits at law, where the witnesses reside at a remote distance from the place of trial, and that they report by bill or otherwise.

On the motion of Mr. Campbell—

Leave was given to bring in a bill for the benefit of the sheriff of Caldwell county; and Messrs. Campbell, Summers and George were appointed a committee to prepare and bring in the same.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Shippingsport.
2. An act for the benefit of the town of Port-William in Galatin county.
3. An act to change the time of holding courts in certain counties, and for other purposes; and,
4. An act for the benefit of the South fork separate Baptist Church in Casey county.

Were severally read the first time and ordered to be read a second time.

Thereupon the rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, the third was committed to a select committee of Messrs. Wingate, Gibson, M'Connell and Stephens; the first and second bills were amended and together with the fourth, were ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said first, second and fourth bills having been dispensed with,

*Resolved*, That the said bills do pass and that the titles thereof be as aforesaid.

A bill to incorporate the trustees of the Union Meeting House in Warren county, was read the second time, amended, and ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A resolution from the House of Representatives was twice read as follows, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the President and Directors of the Bank of the Commonwealth of Kentucky shall, on or before the third Monday in February next, in the presence of the Governor, Auditor and Treasurer, proceed to count and destroy by burning, two hundred and seventy thousand four hundred and fourteen dollars and five cents, of the notes of said Bank, that have been drawn from circulation, and that they select such of said notes for that purpose as have been most defaced.

And the question being taken on concurring in the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fulton and Ray, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Green, Hardin, Hughes, Maupin, M'Millan, M'Connell, Owsley, Payne, Stephens, Summers, Taylor, Thompson, Thornton, White, Wickliffe, Williams and Wood—25.

NAYS—Messrs. Allen, Barrett, Fulton, Griffin, Harris, Ray, Rodman, Rudd, Selby and Wingate—10.

An engrossed bill entitled, an act to compel litigants to give security for costs in certain cases, was read the third time as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the defendant in any action

of tort, ejectment, writ of right or bill in chancery, setting up an elder special entry against an elder patent, or other suit for the title or possession of land, where such defendant holds by an adversary claim or title, except in cases of forcible entry or detainer, may at any time before the trial of such suit or action, move the court in which the same is depending for security for costs, and thereupon the court shall award a rule against the plaintiff or lessor of the plaintiff, requiring good and sufficient security for costs, within a reasonable time, to be fixed by the court; and provided the plaintiff is not entitled to sue in *forma pauperes*, and in case of failure, such suit shall stand *ipso facto* dismissed, and it shall not be necessary to serve the plaintiff or lessor of the plaintiff, with a copy of such rule.

Sec. 2. *Be it further enacted*, That in all other cases where the plaintiff or complainant shall have brought a suit or action, and shall have failed to prosecute the same with effect, so that a judgment for costs shall have been rendered against him or them, and shall afterwards bring another suit or action for the same cause, the defendant may, in like manner, require security for costs, unless the costs of the first suit shall have been paid or secured to be paid by replevin or sale bond—and in case of failure to give the security, the suit shall be dismissed in the same manner as provided for in the first section of this act.

Sec. 3. *Be it further enacted*, That no plea in abatement against a non-resident plaintiff for failing to give security for costs shall be sustained; but the suits of non-residents shall at all times be liable to be dismissed by motion for want of security for costs, in the same manner and under like regulations as are provided for in the first and second sections of this act.

Sec. 4. *Be it further enacted*, That in all cases of bonds given in pursuance of this act, it shall be sufficient if the security shall sign the same, and the same proceedings may be had on such bonds as now by law may be had on bonds for costs executed by securities of non-resident plaintiffs.

Sec. 5. *Be it further enacted*, That in any suit brought for an infant, by his or her next friend, it shall be lawful for the defendant to state by affidavit, that he believes such next friend is insolvent; and upon such affidavit being filed, the court shall enter up a rule on such next friend, to show cause why he shall not give security for the cost, and upon his failing to satisfy the court of his solvency and failing to give security for cost, said suit shall be dismissed.

Mr. Wickliffe moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Maupin, were as follows, viz:



YEAS—Messrs. Allen, Campbell, Edwards, Faulkner, Fulton, George, Griffin, Hardin, Harris, Hughes, Owsley, Payne, Ray, Rodman, Rudd, Selby, Stephens, Taylor, White and Wickliffe—20.

NAYS—Messrs. Barrett, Brown, Cunningham, Fleming, Gibson, Green, Maupin, M'Millan, M'Connell, Summers, Thompson, Thornton, Williams and Wood—14.

A bill from the House of Representatives entitled, "an act to allow additional justices of the peace and constables to certain counties," was read the second time.

Mr. Faulkner presented the remonstrance of sundry citizens of Lincoln county, against so much of said bill as allows an additional justice of the peace and constable to said county.

Which remonstrance was received, read and together with the said bill, referred to a committee of Messrs. Faulkner, Summers, Owsley, Wood and Townsend.

Bills from the House of Representatives of the following titles, viz:

1. An act to amend an act entitled, "an act to amend and reduce into one the execution laws of this State."

2. An act to divorce Mary Drysdale from her husband, Reuben Drysdale; and,

3. An act authorizing the sheriff of Wayne county to be qualified at the March term.

Were severally read the second time; the first bill was referred to the committee of courts of justice; the second to the committee of religion, and the third was laid on the table.

A bill from the House of Representatives entitled, "an act to authorize the several county courts in this Commonwealth to extend the districts of town constables beyond the town boundaries," was read the second time and amended.

The question being taken on reading the said bill a third time as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Ray, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Cunningham, Edwards, Fleming, Gibson, Green, Griffin, Hughes, M'Millan, M'Connell, Owsley, Payne, Rudd, Stephens, Summers, Taylor, Thornton, Wickliffe, Williams and Wood—22.

NAYS—Messrs. Faulkner, Fulton, George, Hardin, Harris, Maupin, Ray, Rodman, Selby, Thompson, White and Wingate—12.

Thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass and that the title thereof be as aforesaid.

And then the Senate adjourned.

SATURDAY, DECEMBER 19, 1829.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills which originated in that House, of the following titles, viz:

An act to incorporate the Female Literary and Benevolent institution of Nazareth, near Bardstown.

An act to incorporate the Female Literary and Benevolent institution of Loretto, in Washington county.

An act to establish a sixteenth judicial district.

An act for the benefit of Charity Todd.

An act to amend "an act requiring certain duties of the clerks within this Commonwealth."

An act for the benefit of Peggy Gillock; and,

An act to amend the laws defining the powers of the trustees of the town of Newport.

Mr. Stephens presented the petition of sundry citizens of the town of Connorsville, in Boone county, praying that a law may pass to establish said town, and change its name to Florence; and that an additional justice of the peace and constable be allowed to the county of Boone, to reside in the said town; and,

Mr. McConnell presented the petition of Samuel May, representing that he was contractor for a part of the road from Mount-sterling to the Virginia line; that said road cost him much more than he had agreed to make it for, by which he was compelled to borrow bank paper from the Bank of the Commonwealth; the paper at that time was fifty per cent. below par; that the tract of land on which he lives was sold and purchased by the Bank for the said debt, and the time to redeem it has expired, and praying that a law may pass authorizing him to redeem said land, and releasing to him the damages, and the difference in the value of said paper at the time he borrowed and its present value.

The said petitions were received and referred; the former to a committee of Messrs. Stephens, Gibson and Wingate, and the latter to the committee of finance.

Mr. Wood from the committee of religion, to whom was referred a bill from the House of Representatives entitled, "an act to divorce Mary Drysdale from her husband, Reuben Drysdale," reported the same without amendment.

The said bill is as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage between Reuben Drysdale and Mary Drysdale, shall be, and the same is hereby dissolved, and the said Mary Drysdale shall possess all the rights and privileges of a feme sole.

And the question being taken on reading the said bill a third

time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Hardin and M'Connell, were as follows, viz:

YEAS—Messrs. Brown, Fleming, Griffin, Harris, Hughes, Owsley, Ray, Rodman, Thompson, White, Williams and Wingate—12.

NAYS—Messrs. Allen, Barrett, Cunningham, Edwards, Faulkner, Fulton, Gibson, Green, Hardin, Maupin, M'Millan, M'Connell, Miller, Payne, Rudd, Selby, Stephens, Summers, Taylor, Thornton, Wickliffe and Wood—22.

Mr. Allen from the committee of Internal Improvement, reported a bill to amend "an act appointing commissioners to lay off and mark a State road from Harrodsburg to Smithland, in Livingston county," approved February 9, 1823.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to a committee of Messrs. Summers, Campbell, Edwards, Payne, Maupin, Allen, Rudd and Thompson.

Mr. Wingate from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to change the time of holding courts in certain counties, and for other purposes," reported the same with an amendment.

Which was twice read and concurred in.

The said bill was recommitted to a committee of Messrs. M'Connell, Wingate, Gibson, Stephens and Green.

Mr. Harris from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to change the place of voting in an election precinct in Hardin county from John Buckles' to Stephen Southern's, and for other purposes," reported the same with amendments.

Which were twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

Mr. Edwards from the committee appointed for that purpose, reported a bill for the benefit of the Russellville Lodge No. 17.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

A message in writing was received from the Governor by Mr. Crittenden, Secretary of State.

Mr. Wickliffe moved for leave to bring in a bill to change the time of the meeting of the General Assembly.



And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Maupin, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Faulkner, Gibson, Harris, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Rodman, Selby, Stephens, Summers, Taylor, Thompson, Thornton, White, Wickliffe and Williams—21.

NAYS—Messrs. Allen, Barrett, Edwards, Fleming, Fulton, Green, Griffin, Hardin, Hughes, Ray, Rudd, Wingate and Wood—13.

Messrs. Wickliffe, Maupin and Thompson were appointed a committee to prepare and bring in the same.

Mr. Fleming read and laid on the table the following resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky.* That when they adjourn on Saturday, the 9th of January next, that they will adjourn without day.

Mr. Thompson read and laid on the table the following resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That when this Assembly adjourn on Wednesday the 23d inst. they will adjourn to meet again on Monday the 28th inst.

Mr. M'Connell presented the petition of sundry citizens of Oldham county, praying that the Senate advise and consent to the appointment of Daniel Mayes, Esq. as circuit judge of the fourth judicial district.

Which was received, read and referred to the committee of courts of justice.

The nomination of D. Lumpkin to be lieut. colonel of the 60th regiment was taken up.

*Resolved,* That the Senate advise and consent to the said appointment.

*Ordered,* That Messrs. Ray and Rodman inform the Governor thereof.

The messages in writing received from the Governor on the 12th and 17th instant, were taken up and read as follows, viz:

*Gentlemen of the Senate:*

I nominate for your advice and consent, John C. Bucklin, as Mayor of the city of Louisville, he now holding that office by a commission pro. tem.

Also, Thomas B. Hancock, to be major in the room and stead of Joseph Wayland removed, in the 38th regiment Kentucky Militia.

THOMAS METCALFE.

December 12, 1829.

*Gentlemen of the Senate:*

I nominate for your advice and consent, Lewis Power, to be colonel of the 115th regiment Kentucky militia.

Thomas F. Hazlerigg, to be lieut. colonel of the same regiment.

John S. Oakley to be major of the same regiment.

THOMAS METCALFE.

December 17, 1829.

*Resolved*, That the Senate advise and consent to the said appointments.

*Ordered*, That Messrs. Ray and Rodman inform the Governor thereof.

And then the Senate adjourned.

MONDAY, DECEMBER 21, 1829.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills which originated in that House of the following titles, viz:

An act to organize a fire company in the town of Russellville.

An act for the benefit of Josiah Elliott and Eliza Sexton.

An act to change the name of William L. Shelly or Oxhair to William L. White.

An act appointing commissioners to settle with the keeper of the Penitentiary.

An act divorcing Delia Humphrey from her husband, Eli Humphrey.

An act to authorize the county court of Green county so to regulate the constable's districts in said county, as to reduce the number to nine.

An act to repeal the law authorizing county courts of this Commonwealth, to make allowances to constables and other officers, in cases of riots, routs and breaches of the peace, &c.

An act to prohibit justices of the peace in this Commonwealth from receiving money on judgments by them rendered.

An act to authorize the opening of a State road from Prince's ferry to the Tennessee line, in the direction to Dover; and,

An act further to regulate the Wilderness and Turnpike road.

And that the House of Representatives had concurred in amendments proposed by the Senate to bills from that House of the following titles, viz:

An act for the benefit of Shippingsport.

An act for the benefit of the town of Port-William in Gallatin county; and,

An act to authorize the several county courts in this Common-

wealth to extend the districts of town constables beyond the town boundaries.

And that they had disagreed to amendments proposed by the Senate, to a bill from that House entitled, "an act to allow the Independent Banks in this Commonwealth further time to settle their concerns."

Mr. Wickliffe from the committee of courts of justice, made the following report, viz:

*Resolved*, That the Senate do advise and consent to the appointment of Daniel Mayes, as circuit judge of the fourth judicial district.

Which was twice read and unanimously concurred in.

*Ordered*, That Messrs. Wingate and M'Connell inform the Governor thereof.

Mr. Wickliffe from the committee of courts of justice, to whom was referred a bill from the House of Representatives entitled, "an act to amend an act entitled, an act to amend and reduce into one the execution laws of this State," reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought *not* to pass.

The said bill is as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any sheriff or other officer shall have levied any execution or executions on the goods and chattels of the defendant or defendants in such execution, and such defendant or defendants or any person for them, shall wish to give a forthcoming bond for the delivery of the property on the day of sale, the sheriff or other officer in making the schedule of the property as required by law, shall affix to each article, a fair value, to which value the persons giving the forthcoming bond shall assent; and when such sheriff or other officer shall return such bond forfeited by the non delivery of the whole or any part of said property, an execution may be issued on such bond, for the value of the property not delivered: *Provided* such value does not exceed the amount due on the execution, and where it does, then for the amount due thereon.

Sec. 2. *Be it further enacted*, That so much of the act to which this is an amendment, as declares that when an execution is endorsed that Bank paper will be received in discharge thereof, and the same shall be levied on land, that it shall not be necessary to have the land valued, and that there shall be no right of redemption, where the land is sold for such paper, shall be and the same is hereby repealed.

Mr. Edwards moved to amend the said resolution reported by the committee, by striking out the word "*not*."

And the question being taken on adopting the said amendment it was decided in the negative, and so the said bill was disagreed to.



The yeas and nays being required thereon by Messrs. Harris and Ray, were as follows, viz:

YEAS—Messrs. Edwards, Harris, Maupin, Ray, Stephens and Summers—6.

NAYS—Messrs. Allen, Barrett, Brown, Cunningham, Faulkner, Fleming, George, Green, Griffin, Hardin, Hughes, M'Millan, M'Connell, Miller, Owsley, Payne, Rodman, Rudd, Selby, Taylor, Thompson, Thornton, White, Wickliffe, Williams and Wood—26.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

*Gentlemen of the Senate:*

I have respectfully to ask leave to withdraw the nomination of Charles L. Harrison, as lieutenant colonel of the 1st regiment of Kentucky militia.

In making this request, permit me to assure you, that my object is to get rid of a question, the investigation of which, must greatly interrupt your legislative deliberations, occasion considerable expense to the State, and be very harrassing to the individual concerned; without intending to intimate any opinion as to the guilt or innocence of Col. Harrison, touching the offence with which I am told he is charged.

THOMAS METCALFE.

*Resolved*, That leave be given to withdraw the said nomination.

*Ordered*, That Messrs. Green and Stephens inform the Governor thereof.

Mr. Wickliffe from the committee of courts of justice, reported the following bills, viz:

1. A bill to amend the law in relation to the trial of the right of property.

2. A bill repealing all laws allowing licenses to Billiard table keepers, and for other purposes.

3. A bill to amend the several acts regulating the course of descents and the distribution of intestate's estates.

4. A bill to amend the law in relation to taking depositions.

5. A bill to declare the punishment for certain misdemeanors.

6. A bill concerning the General Court; and,

7. A bill to require the judges of the circuit courts to reside within their respective judicial districts.

Which bills were severally read the first time and ordered to be read a second time.

*Ordered*, That the public printer forthwith print one hundred and fifty copies of the second, third, fourth, fifth and sixth bills for the use of the General Assembly.

Mr. Fleming from the committee to whom was referred, a bill to prohibit the confinement of slaves, purchased by negro traders,

in the jails of this Commonwealth, and for other purposes, reported the same with an amendment.

Which was twice read and amended.

The first section of said bill is as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of March next, no jailor shall permit any slave or slaves to be confined in the jail of the county, unless such slave or slaves are committed by due process of law, and for a violation of this act, such jailor shall be removed by the county court, first having ten day's notice in writing, and subject to a fine of fifty dollars for each offence, recoverable before a justice of the peace, one half to the use of the informer the other to the use of the county levy.

The said amendment proposes to add to said section the following proviso, viz:

*Provided*, the provisions of this act shall not apply in the case of a person resident in the county, (and not engaged in the purchase and sale of slaves,) who may wish to confine a slave in his actual service; nor in the case of a person who may wish to confine a runaway: *provided* the owner of such runaway is not concerned in the trade of buying and selling negroes, and either of the foregoing cases may be ascertained by the affidavit of the owner or employer of the slave, or his or their agent, setting forth that he desires to confine said slave or slaves, on account of his or their refractory disposition or bad conduct, and not merely for the purpose of obtaining a sale, nor for the purpose of securing such slave or slaves, to be delivered in pursuance of any sale heretofore made, either conditional or absolute.

And the question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fleming and M'Connell, were as follows, viz:

YEAS—Messrs. Cunningham, Edwards, Fleming, Green, Harris, Maupin, M'Connell, Miller, Rudd, Selby, Stephens, Summers, Taylor, Thompson, White, Williams and Wingate—17.

NAYS—Messrs. Allen, Barrett, Brown, Campbell, Faulkner, Fulton, George, Griffin, Hardin, Hughes, M'Millan, Owsley, Payne, Ray, Rodman, Thornton, Wickliffe and Wood—13.

Mr. M'Connell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Faulkner and Hardin, were as follows, viz:

YEAS—Messrs. Fleming, M'Connell, Miller, Stephens and Taylor—5.

NAYS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Faulkner, Fulton, George, Green, Griffin, Har-

din, Harris, Hughes, Maupin, M'Millan, Owsley, Payne, Ray, Rodman, Rudd, Selby, Summers, Thompson, Thornton, White, Wickliffe, Williams, Wingate and Wood—30.

*Ordered*, That the said bill be engrossed and read a third time to-morrow.

Mr. Wingate, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to authorize the trustees of the Rittenhouse academy to transfer and convey the property, both real and personal, belonging to said academy, to the trustees of the Kentucky Baptist Education Society, located at Georgetown, Scott county; and,

An act for the benefit of Edward M. Holden.

And had found said bills truly enrolled, and that they had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to said committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported, that the committee had performed that duty.

Mr. Wickliffe from the committee appointed for that purpose, reported a bill to change the stated annual meeting of the General Assembly.

Which was read the first time and ordered to be read a second time.

Mr. Stephens from the committee appointed for that purpose, reported a bill to change the name, and to authorize the election of trustees to the town of Connersville, Boone county.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

Mr. Summers from the committee to whom was referred, a bill to amend "an act appointing commissioners to lay off and mark a State road from Harrodsburg to Smithland in Livingston county," approved February 9, 1828, reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.



Mr. M'Connell from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to change the time of holding courts in certain counties, and for other purposes," reported the same with an amendment.

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass and that the title thereof be as aforesaid.

The message in writing received from the Governor on yesterday, was taken up and read as follows, viz:

*Gentlemen of the Senate:*

I nominate for your advice and consent, Richard A. Buckner, Esq. as Judge of the Court of Appeals of this Commonwealth, to fill the existing vacancy in that court.

In making this nomination, I have only to assure you, that among the several gentlemen, whose names have been mentioned for that office, each of them, in such high and flattering terms, by a limited circle of acquaintances and friends, and who stand second to no men in my estimation, for their moral worth, no one seems to me, to combine in an equal degree, the confidence of all; no doubt, because his character and legal attainments are of most general notoriety. But with this admission, I still consider it my duty to offer Mr. Buckner for your consideration. My own conviction of the propriety of this step, arising from a long and intimate knowledge of his character, has gained no considerable strength from the fact, that I have not, in a single instance, heard either his integrity or legal attainments brought into question; although his name has stood conspicuous before the public for nearly one year.

THOMAS METCALFE.

And the question being taken on advising and consenting to the appointment of the said Richard A. Buckner, Esq. as judge of the Court of Appeals of this Commonwealth, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ray and Faulkner, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Green, Hardin, M'Millan, M'Connell, Miller, Owsley, Payne, Summers, Taylor, Thompson, Thornton, White, Wickliffe, Williams and Wood—22.

NAYS—Messrs. Barrett, Campbell, Fulton, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Rudd, Selby, Stephens and Wingate—13.

*Ordered*, That Messrs. Thornton and Payne inform the Governor thereof.

On motion—

*Ordered*, That the editors of the *Kentuckian* and the *Argus*,

be permitted to take seats in the Senate chamber, for the purpose of taking sketches of the debates and proceedings of the Senate.

A bill from the House of Representatives entitled, "an act to incorporate the Female Literary and Benevolent Institution of Nazareth, near Bardstown."

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act to incorporate the Female Literary and Benevolent Institution of Loretto in Washington county."

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, the said bill was amended and ordered to be read a third time.

Whereupon the rule of the Senate, constitutional provision and third reading thereof having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

*Resolved*, That the Senate insist on the amendments proposed by them, to a bill from the House of Representatives entitled, "an act to allow the Independent Banks in this Commonwealth further time to settle their concerns;" and Messrs. Brown, Stephens, Thornton and Wickliffe were appointed a committee on the part of the Senate, to confer with such committee as may be appointed on the part of the House of Representatives, in relation to said amendment.

*Ordered*, That Mr. Brown inform the House of Representatives thereof, and request the appointment of a committee on their part.

On the motion of Mr. Wickliffe—

Leave was given to bring in a bill to repeal in part, the charter of the city of Louisville, and amend the law concerning the sale of lottery tickets.

*Ordered*, That the committee of courts of justice prepare and bring in said bill.

And then the Senate adjourned.

## TUESDAY, DECEMBER 22, 1829.

The Senate assembled.

Mr. Garrett Wall, a member of the Senate, from the county of Scott, appeared and took his seat.

A Message was received from the House of Representatives,

requesting leave to withdraw the report of the disagreement of that House to a bill from the Senate, entitled, an act for the benefit of Jesse Corum.

And leave was given to withdraw said report.

Mr. Harris presented the petition of sundry citizens of Morgan county, praying that a law may pass authorizing Thomas Prater to alter the state road leading from Mountsterling to the Virginia line.

And Mr. Wingate presented the petition of Thomas Morris, praying a divorce from his wife, Ann Morris.

The said petitions were received, read and referred, the former to the committee of propositions and grievances; and the latter to the committee of religion.

Mr. McMillan, from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under their consideration the petition of sundry citizens of Breckenridge and Ohio counties, praying to be added to the county of Hancock, (as also the counter petitions thereto,) and have come to the following resolution thereupon, to-wit:

*Resolved*, That the petition praying for the addition, *be rejected*.

Which was twice read and concurred in.

And leave was given to withdraw the said petitions.

Mr. Hardin, from the committee of Finance, to whom was referred a bill for the benefit of the settlers west of the Tennessee river, reported the same without amendment.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Allen, from the committee appointed for that purpose, reported a bill to amend the law concerning constables:

Which was read the first time, and ordered to be read a second time.

*Ordered*, That the public printer print one hundred and fifty copies of the said bill for the use of the General Assembly.

Mr. Faulkner, from the committee to whom was referred, a bill from the House of Representatives, entitled, an act to allow additional justices of the peace and constables to certain counties, reported the same with amendments, which were twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.



Mr. Campbell, from the committee, appointed for that purpose, reported a bill to establish a warehouse at the mouth of Jonathan's creek, in Calloway county.

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The resolution for a recess of the General Assembly, read and laid on the table by Mr. Thompson on the 19th inst. was taken up and twice read.

Mr. Fleming moved to lay the same on the table until the first day of February next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fleming and M'Connell, were as follows, viz:

YEAS—Messrs. Allen, Cunningham, Faulkner, Fleming, Griffin, Harris, Maupin, M'Connell, Miller, Owsley, Payne, Ray, Selby, Stephens, Summers, Williams and Wood—17.

NAYS—Messrs. Barrett, Brown, Campbell, Edwards, Fulton, George, Gibson, Hardin, Hughes, M'Millan, Rodman, Rudd, Taylor, Thompson, Thornton, Wall, White, Wickliffe and Wingate—19.

Mr. Taylor moved to amend the said resolution by striking out "*28th instant*," and inserting in lieu thereof "*4th of January next*."

Mr. Fleming called for a division of the question.

And the question being taken on striking out "*28th instant*," it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Brown, were as follows, viz:

YEAS—Messrs. Cunningham, Faulkner, Griffin, Harris, M'Connell, Miller, Payne, Selby, Taylor, Wickliffe and Wood—11.

NAYS—Messrs. Allen, Barrett, Brown, Campbell, Edwards, Fleming, Fulton, George, Gibson, Green, Hardin, Hughes, Maupin, M'Millan, Owsley, Ray, Rodman, Stephens, Summers, Thompson, Thornton, Wall, White, Williams and Wingate—25.

Mr. Fleming moved to amend the said resolution by striking out "*Wednesday the 23d*," and inserting "*Thursday the 24th*."

Mr. Wickliffe called for a division of the question.

And the question being taken on striking out "*Wednesday the 23d*," it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fleming and Brown, were as follows, viz:

YEAS—Messrs. Allen, Brown, Campbell, Fleming, Harris,

Maupin, McConnell, Miller, Payne, Ray, Summers, Williams and Wood—13.

NAYS—Messrs. Barrett, Cunningham, Edwards, Faulkner, Fulton, George, Gibson, Green, Griffin, Hardin, Hughes, M'Millan, Owsley, Rodman, Rudd, Selby, Stephens, Taylor, Thompson, Thornton, Wall, White, Wickliffe and Wingate—21.

The question was then taken on adopting the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Miller, were as follows, viz:

YEAS—Messrs. Barrett, Brown, Campbell, Edwards, Fulton, George, Gibson, Green, Hardin, Hughes, M'Millan, Rodman, Rudd, Stephens, Taylor, Thompson, Thornton, Wall, White, Wickliffe and Wingate—21.

NAYS—Messrs. Allen, Cunningham, Faulkner, Fleming, Griffin, Harris, Maupin, McConnell, Miller, Owsley, Payne, Ray, Selby, Summers, Williams and Wood—16.

A bill from the House of Representatives entitled, "an act making further provision for the sale of the lands and slaves of infants."

Was read the second time and referred to the committee of courts of justice.

A bill to amend the law in relation to opening and repairing the public roads.

Was read the second time and committed to a committee of the whole House for Wednesday the 30th instant.

An engrossed bill entitled, an act for the benefit of the widow and heirs of Elias Cox, deceased, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to establish a sixteenth judicial district.
2. An act for the benefit of Charity Todd.
3. An act to amend "an act requiring certain duties of the clerks within this Commonwealth."
4. An act for the benefit of Peggy Gillock.
5. An act to amend the laws defining the powers of the trustees of the town of Newport.
6. An act to organize a fire company in the town of Russellville.
7. An act for the benefit of Josiah Elliott and Eliza Sexton.
8. An act to change the name of William L. Shelly or Oxhair to William L. White.
9. An act appointing commissioners to settle with the keeper of the Penitentiary.
10. An act to authorize the county court of Green county so to regulate the constables' districts in said county, as to reduce the number to nine.

11. An act to repeal the law authorizing county courts of this Commonwealth to make allowances to constables and other officers in cases of riots, routs and breaches of the peace, &c.

12. An act to prohibit justices of the peace in this Commonwealth from receiving money on judgments by them rendered.

13. An act to authorize the opening of a State road from Prince's ferry to the Tennessee line, in the direction to Dover; and,

14. An act further to regulate the wilderness and turnpike road.

Were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the fifth, sixth, twelfth and fourteenth bills having been dispensed with, they were committed; the fifth to a committee of Messrs. Stephens, M'Connell and Thornton; the sixth to a committee of Messrs. Edwards, Summers and Payne; the twelfth to a committee of Messrs. Harris, Wingate and Fleming; and the fourteenth to the committee of Internal Improvements.

The rule of the Senate, constitutional provision and second and third readings of the seventh, eight and ninth bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to change the place of voting in an election precinct in Hardin county from John Buckles' to Stephen Southern's, and for other purposes, was read the third time as amended.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act divorcing Delia Humphrey, from her husband, Eli Humphrey, was read the first time.

And the question being taken on reading the said bill a second time, it was decided in the negative.

And so the said bill was disagreed to.

A bill to amend the law in relation to the trial of the right of property, was read the second time, and committed to the committee for courts of justice.

An engrossed bill, entitled, an act to prohibit the confinement of slaves, purchased by negro traders, in the jails of this Commonwealth, and for other purposes, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. M'Connell and Wood, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Cunningham, Edwards, Faulkner, George, Gibson, Griffin, Harris, Hughes, M'Millan, Owsley, Payne, Rodman, Summers, Thompson, Thornton, Wall, Williams, Wingate and Wood—22.



NAYS—Messrs. Campbell, Fleming, M'Connell, Ray, Selby, Stephens, Taylor and White—8.

*Resolved*, That the title of the said bill be as aforesaid.

Mr. Rodman presented the petition of Amelia F. Shelburne, praying that a law may pass authorizing the sale of a tract of land near Taylorsville, two lots in said town, and a negro man, of which her late husband, Robinson Shelburne died possessed; and that the proceeds of the sale be vested in other lands.

Which was received, read and referred to a committee of Messrs. Rodman, Hardin and White.

Mr. Wingate read and laid on the table, a joint resolution, fixing a day for the election of public officers.

On the motion of Mr. George, leave was given to bring in a bill for the benefit of John Cottrel and others; and Messrs. George Griffin and Faulkner, were appointed a committee, to prepare and bring in the same.

And then the Senate adjourned.

#### WEDNESDAY, DECEMBER 23, 1829.

The Senate assembled.

Mr. Griffin presented the petition of Henry Waddle, praying that a law may pass granting him a land warrant for one hundred acres of land, without paying the State price for the same.

Which was received, read and referred to the committee of finance.

A message was received from the House of Representatives announcing the passage of bills by that body of the following titles, viz:

An act to incorporate the Louisville Mutual Fire Insurance Company; and,

An act to change the time of holding certain circuit courts, and for other purposes.

And their disagreement to a resolution from the Senate, for a recess of the General Assembly.

Mr. Faulkner from the committee of privileges and elections, made the following report, viz:

The committee of privileges and elections have, according to order, had under consideration the returns from the several senatorial districts, and report the following gentlemen elected, viz:

From the counties of Adair, Russell and Casey, Benjamin Selby; from the counties of Barren and Edmonson, Robert D. Maupin; from the counties of Cumberland and Monroe, William Wood; from the counties of Allen and Warren, William C. Payne; from the counties of Butler, Grayson and Muhlenburg, William Cunningham; from the counties of Logan and Simpson, Presley Edwards; from the counties of Hopkins, Henderson and

Union, James Townsend; from the counties of Calloway, Graves, Hickman, M'Cracken, Livingston and Caldwell, James Campbell; from the counties of Christian, Trigg and Todd, Francis Summers; from the counties of Daveiss, Ohio and Breckenridge, Willis Green; from the counties of Green and Hart, James Allen; from the counties of Hardin and Meade, John C. Ray; from the counties of Jefferson and Bullitt, John Hughes; from the counties of Lincoln, Rockcastle and Laurel, Henry Owsley; from the counties of Henry and Oldham, John Rodman; from the county of Shelby, Samuel W. White; from the county of Washington, Christopher A. Rudd; from the county of Mercer, John B. Thompson; from the county of Garrard, John Faulkner; from the county of Madison, Robert Miller; from the counties of Pulaski and Wayne, John Griffin; from the counties of Knox, Clay, Harlan, Perry and Whitley, Robert George; from the counties of Nelson and Spencer, Benjamin Hardin; from the counties of Boone and Campbell, Leonard Stephens; from the counties of Grant, Pendleton and Gallatin, David Gibson; from the county of Scott, Garrett Wall; from the counties of Franklin, Owen and Anderson, Cyrus Wingate; from the county of Harrison, Peter Barrett; from the counties of Bracken and Nicholas, Samuel Fulton; from the county of Bourbon, John R. Thornton; from the county of Mason, Robert Taylor; from the counties of Greenup, Lewis and Lawrence, John M. M'Connell; from the county of Fleming, William P. Fleming; from the counties of Montgomery and Estill, Samuel L. Williams; from the county of Clarke, William M'Millan; from the counties of Woodford and Jessamine, George I. Brown; from the counties of Bath, Morgan, Floyd and Pike, David K. Harris; and from the county of Fayette, Robert Wickliffe.

The committee find the terms of service of Peter Barrett, William Cunningham, David Gibson, Henry Owsley, Samuel Fulton, John M. M'Connell, George I. Brown, Samuel W. White and Robert Miller expires the ensuing year.

William M'Millan, Benjamin Hardin, Willis Green, John Rodman, David K. Harris, John Hughes, Francis Summers, Robert Taylor, and William P. Fleming, the year 1831.

Robert D. Maupin, Benjamin Selby, James Townsend, James Allen, John C. Ray, John Faulkner, John Griffin, Cyrus Wingate, Garrett Wall and Samuel L. Williams, in the year 1832; and

That of Leonard Stephens, William C. Payne, John B. Thompson, Robert George, James Campbell, John R. Thornton, Christopher A. Rudd, Robert Wickliffe and William Wood, in the year 1833.

JOHN FAULKNER, *Ch'm.*

Mr. Wood from the committee of religion, made the following report, viz:

The committee of religion have, according to the order of the Senate, had under consideration the petition of Thomas Morris, praying the passage of a law to divorce him from his wife, Ann Morris, and have come to the following resolution thereon:

*Resolved*, That said petition is reasonable.

The said resolution was twice read, amended by striking out the words "*is reasonable*," and inserting in lieu thereof, "*be rejected*," and concurred in.

Mr. Allen from the committee of Internal Improvements, reported a bill to extend the Maysville and Washington turnpike road;

Which was read the first time and ordered to be read a second time.

*Ordered*, That the public printer print one hundred and fifty copies of the said bill for the use of the General Assembly.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Green—1. A bill for the benefit of Isaac Thomas and William Love.

By Mr. George—2. A bill for the benefit of John Cottrel and others.

The said bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the former, and the second and third readings of the latter bill having been dispensed with, the former bill was referred to the committee of finance; the latter bill being engrossed,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had adopted a joint resolution to appoint committees to visit Transylvania University, the Lunatic Asylum and the Deaf and Dumb Asylum.

The said resolution was taken up, twice read and adopted as follows, viz:

*Resolved*, That a joint committee, to be composed of three members of the Senate and seven members of the House of Representatives, be appointed to examine into and report the present situation of Transylvania University and the Lunatic Asylum, at Lexington; and that a committee of two from the Senate and five from the House of Representatives, be appointed to visit the Deaf and Dumb Asylum, at Danville.

Whereupon Messrs. Townsend, Campbell and Maupin were appointed a committee on the part of the Senate to visit Transylvania University and the Lunatic Asylum, and Messrs. Faulkner and Green, a committee to visit the Deaf and Dumb Asylum.



Mr. Wingate, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of Shippingport.

An act to authorize the several county courts of this Commonwealth to extend the districts of town constables beyond the town boundaries.

An act for the benefit of the town of Port-William in Gallatin county.

An act for the benefit of the South fork Seperate Baptist Church in Casey county; and,

A joint resolution for burning a portion of the notes of the Bank of the Commonwealth.

And had found said bills truly enrolled, and that they had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to said committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported, that the committee had performed that duty.

A message was received from the House of Representatives, by Mr. Combs, requesting leave to withdraw the report from that House, announcing their disagreement to a resolution from the Senate, for a recess of the General Assembly.

And the question being taken on giving leave to withdraw said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ray and Harris, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, Faulkner, George, Green, Griffin, Miller, Owsley, Payne, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White and Wingate—20.

NAYS—Messrs. Cunningham, Harris, M'Connell, Ray, Selby and Wood—6.

Mr. Green read and laid on the table the following resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested, to use their best exertion to reduce the duty upon salt to cents.*

Mr. Edwards, from the committee to whom was referred, a bill from the House of Representatives, entitled, "an act to organize a fire company in the town of Russellville," reported the same with an amendment,

Which was twice read and concurred in.

*Ordered,* That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles:

1. An act to authorize the county court of Green county so to regulate the constables' district in said county as to reduce the number to nine.

2. An act to establish a sixteenth judicial district.

3. An act to repeal the law authorizing county courts of this Commonwealth, to make allowances to constables and other officers, in cases of riots, routs and breaches of the peace, &c.

4. An act to authorize the opening of a state road from Prince's Ferry to the Tennessee line, in the direction of Dover.

5. An act to amend "an act requiring certain duties of the clerks within this Commonwealth;" and

6. An act for the benefit of Peggy Gillock.

Were severally read the second time, and the first and sixth bills were committed to the committee of courts of justice; the second to a select committee of Messrs. Campbell, Summers, McConnell, Edwards, Townsend and Thompson; the third and fifth were ordered to be read a third time; and,

The rule of the Senate, constitutional provision and second and third readings of the fourth bill having been dispensed with,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to incorporate the Louisville Fire Insurance Company; and,

2. An act to change the time of holding certain circuit courts and for other purposes,

Were read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the former bill having been dispensed with, it was committed to the committee of courts of justice.

A message was received from the House of Representatives, informing the Senate, that they had concurred in the amendment proposed by the Senate, to a bill which originated in that House entitled, "an act to incorporate the Female Literary and Benevolent Institution of Loretto, in Washington county;" and that they had passed a resolution which originated in the Senate, for a recess of the General Assembly.

And then the Senate adjourned.

MONDAY, DECEMBER 28, 1829.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of a bill by that body which originated in the Senate entitled, "an act to establish a ware house at the mouth of Jonathan's creek in Calloway county," with amendments.

The said amendments were taken up, twice read and concurred in.

Mr. M'Connell presented the petition of Thomas T. G. Waring, praying that a law may pass authorizing his brother, Bazil Waring, to act as a deputy sheriff in Greenup county, he having acted as commissioner of the revenue tax for 1829, which disqualifies him from acting as deputy sheriff.

Which was received and referred to a select committee of Messrs. M'Connell, Harris and Wingate.

Mr. Stephens from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to amend the laws defining the powers of the trustees of the town of Newport," reported the same with amendments;

Which were twice read and concurred in.

*Ordered*, That the said bill be read a third time, as amended.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Barrett—1. A bill more effectually to guard against fraud and collusion between sheriffs and constables, and the defendants in execution.

On the motion of Mr. Ray—2. A bill to legalize the proceedings of the court of assessment in the third regiment of Kentucky militia.

On the motion of Mr. Edwards—3. A bill to incorporate the trustees of the Union Meeting House in Logan county, and in the town of Russellville; and,

On the motion of Mr. M'Connell—4. A bill to amend the law in relation to riots, routs and breaches of the peace.

Messrs. Barrett, White, M'Connell and Wall were appointed a committee to prepare and bring in the first; Messrs. Ray, Payne and White the second; Messrs. Edwards, Summers and Payne the third; and Messrs. M'Connell, Fleming and Taylor the fourth.

The resolution fixing a day for the election of public officers, read and laid on the table by Mr. Wingate, on the 22d inst. was taken up, twice read, and on motion of Mr. Thompson, was again laid on the table.

Mr. Maupin, who voted in the majority, moved a reconsideration of the vote by which a bill from the House of Representatives entitled, "an act to amend the duelling law," was laid on the table until the first day of June next.



And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Taylor, were as follows, viz:

YEAS—Messrs. Barrett, Brown, Cunningham, George, Griffin, Harris, Hughes, Maupin, Miller, Ray, Rodman, Stephens, Thompson, Wall, Wingate and Wood—16.

NAYS—Messrs. Allen, Edwards, Fleming, Hardin, M'Connell, Payne, Selby, Summers, Taylor, Townsend and White—11.

*Ordered*, That the said bill be read a second time.

A bill repealing all laws allowing licenses to Billiard table keepers, and for other purposes,

Was read the second time, amended, and ordered to be engrossed and read a third time.

Whereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

A bill to declare the punishment for certain misdemeanors,

Was read a second time, amended, and committed to a committee of Messrs. Wingate, M'Connell, Maupin and Hardin.

And then the Senate adjourned.

## TUESDAY, DECEMBER 29, 1829.

The Senate assembled.

Mr. Gibson presented the petition of Ann Foster, praying that a law may pass making her compensation for keeping her sister, Mary Cale, a lunatic.

Which was received, read and referred to a committee of Messrs. Gibson, Stephens, Rodman, M'Connell and Wingate.

Mr. M'Connell from the committee of courts of justice, reported bills of the following titles:

A bill to amend the laws regulating conveyances; and,

A bill increasing the jurisdiction and duties of justices of the peace.

Which bills were each read the first time and ordered to be read a second time.

*Ordered*, That the public printer print one hundred and fifty copies of the said bills for the use of the General Assembly.

Mr. Rodman from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to reduce the number of trustees of the New-Castle seminary to five," reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

Mr. Wingate from the committee of enrollments reported, that the committee had examined enrolled bills and a resolution of the following titles, viz:

An act to incorporate the Female Literary and Benevolent Institution of Nazareth, near Bardstown.

An act to incorporate the Female Literary and Benevolent Institution of Loretto, in Washington county.

An act to change the name of William L. Shelly or Oxhair, to William L. White.

An act appointing commissioners to settle with the keeper of the Penitentiary.

An act for the benefit of Josiah Elliott and Eliza Sexton; and,

A joint resolution to appoint committees to visit Transylvania University, the Lunatic Asylum and the Deaf and Dumb Asylum.

And had found the same truly enrolled: and that the same had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto and it was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to continue in force "an act for the benefit of the head-right and Tellico settlers, and for other purposes."

An act for the benefit of E. M. Holden.

An act to authorize the trustees of the Rittenhouse academy to transfer and convey the property, both real and personal, belonging to said academy, to the Trustees of the Kentucky Baptist Education Society, at Georgetown, Scott county.

An act for the benefit of the town of Port-William in Gallatin county.

An act for the benefit of Shippingport.

An act to authorize the several county courts of this Commonwealth to extend the districts of town constables beyond the town boundaries.

A joint resolution for burning a portion of the notes of the Bank of the Commonwealth.

An act for the benefit of the South fork Seperate Baptist Church in Casey county.

Mr. Wingate from the committee to whom was referred, a bill to declare the punishment for certain misdemeanors, reported the same with amendments.

The first section of the said bill is as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter any justice of the peace,*

constable, sheriff, clerk, coroner or other civil officer, or public agent of the government, district or county, whether he be a commissioned officer or not, who shall be guilty of corruption, partiality or fraud in the discharge of his official or public duties, or who shall be guilty of malfeasance therein, or of attempting to discharge the functions of his office or agency, when he shall be thereto disqualified by intoxication, and who shall be thereof legally convicted, shall be fined or imprisoned or both, at the discretion of a jury, and may be required to give security for his good behaviour; and where such conviction shall be for corruption in office, or in discharging the duties of a public agent, the offender shall forever thereafter, lose his right of suffrage, and the court in rendering judgment upon the conviction, shall also render judgment depriving him of the right of suffrage, and any such conviction, where the merits shall have been tried, shall be *prima facie* evidence of the guilt of the offender, on any proceeding to remove him from office, before the Legislature, Senate, Court of Appeals, county court or other tribunal, having, by the constitution or laws of this State, the removing power.

The first amendment proposes to strike out of said section the words "*or who shall be guilty of malfeasance therein, or of attempting to discharge the functions of his office, or agency, when he shall be thereto disqualified by intoxication,*" printed in italics.

And the question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and M'Connell, were as follows, viz:

YEAS—Messrs. Barrett, Brown, Campbell, Cunningham, Edwards, George, Griffin, Hardin, Ray, Summers, Taylor, Thompson, White, Wingate and Wood—15.

NAYS—Messrs. Allen, Fleming, Fulton, Gibson, Harris, Hughes, Maupin, M'Connell, Miller, Owsley, Payne, Rodman, Selby, Stephens, Thornton, Townsend, Wall and Williams—18.

On the motion of Mr. M'Connell the said vote was reconsidered.

So much of the said amendment as proposes to strike out the words, "*or who shall be guilty of malfeasance therein,*" was then concurred in.

And the question being taken on concurring in so much of the said amendment as proposes to strike out the words, "*or of attempting to discharge the functions of his office, or agency, when he shall be thereto disqualified by intoxication,*" it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Fulton, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Cunningham, George, Griffin, Hardin, Ray, Summers, Taylor, Thompson, Wingate and Wood—12.

NAYS—Messrs. Allen, Barrett, Edwards, Fleming, Fulton,



Gibson, Harris, Hughes, Maupin, M'Connell, Miller, Owsley, Payne, Rodman, Selby, Stephens, Thornton, Townsend, Wall, White and Williams—21.

The second amendment reported by the said committee, proposes to strike out of said section the words, "*lose his right of suffrage, and the court in rendering judgment upon the conviction, shall also render judgment depriving him of the right of suffrage,*" printed in italics, and to insert in lieu thereof, "*be disqualified from holding any office of trust or profit within this Commonwealth.*"

Mr. M'Connell called for a division of the question; and the question was first taken on striking out the said words, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Maupin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Fulton, Gibson, Griffin, Hardin, Harris, Hughes, Maupin, M'Connell, Owsley, Payne, Ray, Rodman, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Williams, Wingate and Wood—29.

NAYS—Messrs. Fleming, George, Miller and Selby—4.

The question was then taken on inserting the words proposed by the committee, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Wall, were as follows, viz:

YEAS—Messrs. Fleming, Fulton, Hughes, Maupin, Miller, Rodman, Selby, Summers, Taylor, Thornton, Wall, Williams, Wingate and Wood—14.

NAYS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, George, Gibson, Griffin, Hardin, Harris, M'Connell, Owsley, Payne, Ray, Stephens, Thompson, Townsend and White—19.

Mr. Taylor moved to amend the said section by striking out the words, "*or public agent,*" printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Maupin, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Cunningham, Edwards, Taylor, Thompson and Wood—7.

NAYS—Messrs. Allen, Barrett, Fleming, Fulton, George, Gibson, Griffin, Hardin, Harris, Hughes, Maupin, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Selby, Stephens, Summers, Thornton, Townsend, Wall, White, Williams and Wingate—26.

The said bill was amended and ordered to be engrossed and read a third time to-morrow.

The following bills were reported from the committees appointed to prepare and bring in the same, to-wit:

By Mr. Edwards—A bill to incorporate the trustees of the Union Meeting House in Logan county, and of the Union Meeting House in the town of Russellville; and,

By Mr. Ray—A bill to legalize the proceedings of the court of assessment in the 3rd regiment Kentucky militia.

Which bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 30, 1829.

The Senate assembled.

The Speaker laid before the Senate the following communication, viz:

*Frankfort, December 30, 1829.*

GENTLEMEN—The commissioners for rebuilding the Capitol, have the pleasure of informing the members of the Senate, that the room designed for their accommodation, in the Capitol, is now ready for their reception.

Respectfully,

P. DUDLEY, }  
J. BROWN, } *Commissioners.*

*To the honorable Speaker and members of the Senate.*

On the motion of Mr. Wingate, the Senate repaired to the said room.

A message was received from the House of Representatives, by Mr. Tibbatts, announcing the appointment of a committee on their part, to confer with the committee on the part of the Senate, in relation to the amendment proposed by the Senate, to a bill from that House entitled, "an act to allow the Independent Banks in this Commonwealth further time to settle their concerns."

Mr. Campbell presented the petition of John Hanna, praying compensation for his trouble and expense in the apprehending and safe keeping of James Fowler, of Hickman county, charged with murder; and,

Mr. Thornton presented the petition of sundry stockholders in the Bank of Kentucky, praying that the concerns of the said institution may be speedily closed.

Which petitions were each received, read and referred to the committee of finance.

The Speaker laid before the Senate the annual report of the

receiver of public moneys west of the Tennessee river, which was read as follows, viz:

TO THE HON. SPEAKER OF THE SENATE.

The receiver of the public moneys west of the Tennessee river, respectfully reports to the honorable, the Legislature of Kentucky, that since the establishment of the land office in Waidsboro, there has been entered, land to the value of \$131,331 80 1-2; and he has, at various times up to the twelfth of November last, deposited in the branch bank of the Commonwealth, at Princeton, the sum of \$129,627 45, to which add the commission of \$1,900, allowed the receiver by law, and there will be seen that he has deposited fully, all moneys received by him. In the last year, ending on the 12th day of November last, he received for the sales of land, the sum of \$24,417 90. He would with deference, suggest to your honorable body, that some fit person be appointed to examine his office and report the result of his labors. The office has been established for several years, and the Legislature are entirely dependent upon the report of the receiver, for all their information; this course would insure safety to the State and give a more general satisfaction.

All of which is respectfully submitted.

EDMUND CURD, *Receiver Public Moneys,*

*Dec. 30, 1829.*

*West Tennessee River.*

*Ordered,* That the said report be referred to the committee of finance.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Mary Pedigo," reported the same with an amendment;

Which was twice read and concurred in.

*Ordered,* That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

*Resolved,* That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Maupin from the committee to whom was referred, a bill for the relief of Robert C. Harrison and others, reported the same without amendment.

*Ordered,* That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved,* That the said bill do pass and that the title thereof be as aforesaid.

Mr. Harris from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to prohibit justices of the peace in this Commonwealth from receiving money



on judgments by them rendered," reported the same with an amendment;

Which was twice read, and the said bill and amendment were recommitted to the committee of courts of justice.

Mr. Campbell from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to establish a sixteenth judicial district," reported the same with amendments;

Which were twice read, and the said bill and amendments were laid on the table.

Mr. Selby presented the petition of sundry citizens of the counties of Adair, Barren, Green and Cumberland, praying for the formation of a new county out of a part of each of said counties;

Which was received, read and referred to the committee of propositions and grievances.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Fleming from the committee of courts of justice—

1. A bill for the benefit of Phebe Barnes and children.

By Mr. Barrett—2. A bill more effectually to guard against fraud and collusion between sheriffs and constables, and the defendants in execution.

By Mr. Cunningham—3. A bill to remove the obstructions to the navigation of Rough creek and Pond river; and,

By Mr. Gibson—4. A bill for the benefit of Mary Cale.

Which bills were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the three latter bills having been dispensed with, they were severally committed; the second bill to the committee of courts of justice; the third to the committee of Internal Improvements; and the fourth to the committee of finance.

The rule of the Senate, constitutional provision and second and third readings of the first bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the State of the Commonwealth, Mr. Allen in the chair; after some time spent in committee, the Speaker resumed the chair, when Mr. Allen reported, that the committee had, according to order, had under consideration a bill to amend the law in relation to opening and repairing public roads; and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again; which was granted.

*Ordered*, That the public printer print one hundred and fifty copies of the amendment to the said bill proposed by Mr. Wickliffe in the committee of the whole.

Mr. Wingate read and laid on the table the following resolution, viz;

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That a joint committee of three from the Senate and six from the House of Representatives be appointed to examine the Auditor's Office; and three from the Senate and six from the House of Representatives to examine the Treasurer's Office; and three from the Senate and six from the House of Representatives to examine the Register's Office.

The rule of the Senate having been dispensed with, the said resolution was taken up, twice read and adopted.

And then the Senate adjourned.

#### THURSDAY, DECEMBER 31, 1829.

The Senate assembled.

Mr. Harris presented the petition of sundry citizens, praying for an appropriation in land warrants, to aid in building a bridge across Licking river at West-Liberty.

Which was received and referred to the committee of Internal Improvements.

Mr. Wood from the committee of religion, made the following report, viz:

The committee of religion have, according to order, had under consideration the petition of Peter Jones, to them referred, praying that a law may pass divorcing him from his wife, Caudis Jones, and have come to the following resolution thereon, viz:

*Resolved,* That said petition *be rejected.*

Which was twice read and concurred in.

A message in writing was received from the Governor by Mr. Crittenden, Secretary of State.

Mr. Allen from the committee of Internal Improvements, to whom was referred a bill from the House of Representatives entitled, "an act further to regulate the wilderness and turnpike road," reported the same without amendment.

*Ordered,* That the said bill be read a third time.

Mr. Allen from the same committee, to whom was referred, a bill to authorize George M. Bedinger to erect a toll bridge across main Licking river, reported the same with a resolution that said bill ought not to pass.

The said resolution was twice read and disagreed to, and the said bill was recommitted to a committee of Messrs. Fulton, Wickliffe, Fleming, McConnell and Stephens.

Mr. Wingate from the committee of enrollments reported, that the committee had examined enrolled bills of the following titles, viz:

An act to authorize the opening of a State road from Prince's ferry to the Tennessee line, in the direction to Dover; and,

An act to establish a ware-house at the mouth of Jonathan's creek in Calloway county, and for other purposes.

And had found the same truly enrolled: and that the same had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

The following bills were reported from the committees appointed to prepare and bring in the same, to-wit:

By Mr. Wickliffe—1. A bill to repeal all laws allowing corporations or bodies corporate, to issue licenses for the sale of Lottery tickets, and for other purposes.

By Mr. M'Connell—2. A bill for the benefit of Thomas T. G. Waring.

By Mr. Wickliffe—3. A bill concerning Transylvania University; and,

By Mr. Campbell—4. A bill for the benefit of Samuel Campbell, late sheriff of Caldwell county.

Which bills were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the third and fourth bills having been dispensed with, the third bill was committed to a committee of the whole house for Tuesday next, and the fourth to the committee of courts of justice.

*Ordered*, That the public printer print one hundred and fifty copies of the third bill for the use of the General Assembly.

*Ordered*, That Mr. Miller be added to the committee of propositions and grievances.

A message was received from the House of Representatives announcing the passage of bills which originated in that House, of the following titles, viz:

An act to establish the towns of Floydsburg, Brownsboro and Paducah, and for other purposes.

An act for the benefit of James Breathitt.

An act further to regulate the Bank of Kentucky.

An act to divorce Judah Varner from her husband, John Varner.

And that they had received official information that the Governor, on the 29th inst. approved and signed enrolled bills and a resolution, which originated in that House, of the following titles, viz:

An act appointing commissioners to settle with the keeper of the Penitentiary.



An act to change the name of William L. Shelly or Oxshair to William L. White.

An act to incorporate the Female Literary and Benevolent Institution of Nazareth, near Bardstown.

An act to incorporate the Female Literary and Benevolent Institution of Loretto, in Washington county.

A joint resolution for the appointment of committees to visit Transylvania University, the Lunatic Asylum, and the Deaf and Dumb Asylum.

An act for the benefit of Joseph Elliott and Eliza Sexton.

On the motion of Mr. M'Connell—

Leave was given to bring in a bill to provide for improving and keeping in repair the State road leading from the mouth of Triplett's creek and from Lewis' mill on Fox's creek, in Fleming county, to the mouth of Big Sandy river; and Messrs. M'Connell, Fleming, Harris, Williams and Miller were appointed a committee to prepare and bring in the same.

A bill from the House of Representatives, entitled, "an act to establish a sixteenth judicial district," was taken up and committed to a committee of Messrs. Hardin, Campbell, Summers, Townsend, Wickliffe, M'Connell and Edwards.

On the motion of Mr. Maupin—

Leave was given to bring in a bill to regulate physicians in the practice of Medicine; and Messrs. Maupin, Allen, Rudd and Edwards were appointed a committee to prepare and bring in the same.

On the Motion of Mr. Griffin—

A bill from the House of Representatives, entitled, "an act authorizing the sheriff of Wayne county to be qualified at the March term," was taken up and placed in the orders of the day.

A bill to amend the several acts regulating the course of descents and the distribution of intestates estates, was read the second time and committed to a committee of the whole House for Saturday next.

A bill to amend the law in relation to taking depositions, was read the second time as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful, in any civil suit at law, depending in any of the courts of this Commonwealth, or before any justice of the peace, where a witness of either party shall reside *at a greater distance from the place of trial than miles,* for such party or his agent or attorney, to file in the clerk's office of the court or in the office of the justice of the peace before whom such suit is depending, his written interrogatories, stating the suit and name of the witness, and shall notify his adversary in the suit, or his agent or attorney at law, if such adversary be a citizen of the county, or if he have such agent or attorney therein, at any time before taking the depositions as here-

inafter to be provided for, of the filing of such interrogatories, which notice may be of the following effect, to-wit: "A. B. vs. C. D. in assumpsit, debt, covenant, (or whatever may be the name of the action) interrogatories filed by plaintiff (or defendant as the case may be) on      day of      ." (signed) "A. B." and dated; and upon such notice being served or the service thereof accepted or waived, the party upon whom the same is served, may file cross interrogatories in writing, with the said clerk or justice of the peace, and upon such cross interrogatories or upon the notice having been executed at least fifteen days, either party may apply for a copy of said interrogatories, which shall be made out and certified by the clerk or justice of the peace; he shall also add thereto that "any judge of a court, justice of the peace, mayor of a city or commissioner in chancery, duly authorized to administer oaths, is hereby commanded to cause the witness or witnesses (as the case may be) aforesaid, to come before him and carefully propound and explain to him or her the aforesaid interrogatories, and diligently examine him or her upon oath, touching the same, and the answers to each distinctly taken in the hand-writing of yourself or the witness; you shall forthwith certify under your hand, together with the aforesaid interrogatories, and this order enveloped and sealed, with the name of the suit and character of the proceeding endorsed on said envelope, either by mail or some other safe conveyance to me, A. B. clerk of      court" (or justice of the peace, as the case may be,) "given under my hand at the county of      aforesaid, this      day of      Signed A. B.;" which said examination so taken and certified, shall be as competent evidence as though the witness had been examined in open court. But the seal of the envelope shall only be broken by the clerk or his deputy, or the justice of the peace to whom the same is directed: *Provided, however*, the clerk or justice of the peace may, at the request of either party, issue subpoenas for the same witnesses, and upon shewing that such subpoena was served, and making affidavit that he had tendered to the witness or witnesses, his or her reasonable travelling expenses within a reasonable time for him or her to have attended the trial, may have an attachment awarded against such witness or witnesses: *And, provided further*, that the court may, upon good cause shown, authorize either party to retake the deposition or depositions upon the same or new interrogatories.

Sec. 2. *Be it further enacted*, That the answers to all leading questions shall be expunged from the deposition or treated as improper evidence, and no deposition shall be read which is proven to be in the hand-writing of either of the parties, his agent or attorney, nor where it shall appear to the court that any unfair or improper practice has been used in obtaining the same; but all exceptions shall be made to depositions before the trial shall have been gone into, and to that end the same shall be filed with the

papers of the suit, and the party against whom they are to be read, or his attorney, shall have a reasonable time to examine the same.

Sec. 3. *Be it further enacted*, That all depositions taken to be read in any suit in chancery, may be taken under the same rules as is hereby provided for taking them to be read in suits at law, and all depositions of witnesses residing out of this state, may be taken under the same rules, whether to be read at law or in chancery: *Provided, however*, that nothing herein shall be construed to prevent depositions from being taken as heretofore, where the former laws authorized the taking of the same.

Mr. Wickliffe moved to amend the first section of the said bill by striking out the words, "*at a greater distance from the place of trial than        miles*," printed in italics, and inserting in lieu thereof, "*in any county other than that in which the suit is depending*."

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and M'Connell, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Faulkner, Fulton, George, Gibson, Griffin, Harris, Hughes, M'Millan, Miller, Owsley, Summers, Taylor, Townsend, Wall, White, Wickliffe, Williams and Wingate—20.

NAYS—Messrs. Brown, Campbell, Cunningham, Edwards, Green, Hardin, Maupin, M'Connell, Ray, Rodman, Rudd, Stephens, Thompson, Thornton, and Wood—15.

Mr. Hardin moved to amend the said bill by striking all out after the enacting clause, and inserting in lieu thereof the following, viz:

That, in all civil suits at common law, where a witness resides more than fifty miles from the place of trial, either party may take the deposition in chief of said witness, under the same rules and regulations as are now prescribed by law in suits in chancery; which deposition, when taken, shall be read in evidence in said suit, subject to the same objections and regulations as now exist on the trial of suits in chancery.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Maupin, were as follows, viz:

YEAS—Messrs. Campbell, Cunningham, Edwards, Green, Hardin, Maupin, Ray, Rudd, Selby, Thompson, Thornton and Wood—12.

NAYS—Messrs. Allen, Barrett, Brown, Faulkner, Fulton, George, Gibson, Harris, Hughes, M'Millan, M'Connell, Miller, Owsley, Rodman, Stephens, Summers, Taylor, Townsend, Wall, White, Wickliffe, Williams and Wingate—23.



Mr. Maupin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fulton and Maupin, were as follows, viz:

YEAS—Messrs. Campbell, Cunningham, Edwards, Green, Hardin, Maupin, M'Millan, Ray, Rudd, Selby, Thompson, Thornton and Wood—13.

NAYS—Messrs. Allen, Barrett, Brown, Faulkner, Fulton, George, Gibson, Harris, Hughes, M'Connell, Miller, Owsley, Rodman, Stephens, Summers, Taylor, Townsend, Wall, White, Wickliffe, Williams and Wingate—22.

*Ordered*, That the said bill be engrossed and read a third time to-morrow.

Mr. Faulkner moved the following resolution, viz:

*Resolved* That on each day during the residue of the present session, when the Senate adjourn, they will adjourn to meet on the next day at nine o'clock A. M. Sundays excepted.

Which was twice read and adopted.

On motion—

Leave of absence was granted to the Sergeant at Arms of the Senate until Monday next.

And then the Senate adjourned.

#### FRIDAY, JANUARY 1, 1830.

The Senate assembled.

On the motion of Mr. Gibson—

Leave was given to bring in a bill more effectually to provide for the recovery of the demands of county creditors; and Messrs. Gibson, M'Connell and Fleming were appointed a committee to prepare and bring in the same.

Mr. Wood moved for leave to bring in a bill to repeal all laws authorizing the payment for slaves executed for crimes.

And the question being taken on granting leave to bring in said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wood and Wall, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cunningham, Green, Harris, Rodman, Stephens, Thompson, Townsend, Wall and Wood—10.

NAYS—Messrs. Edwards, Faulkner, Fleming, George, Gibson, Hardin, Hughes, Maupin, M'Millan, M'Connell, Miller, Owsley, Rudd, Selby, Summers, Taylor, Thornton, White and Wingate—19.

A message was received from the House of Representatives,

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announcing the passage of bills which originated in that House of the following titles, viz:

An act to establish seminaries of learning in the counties of Calloway, Graves, Hickman, M'Cracken and Hancock.

An act for the benefit of Thomas Vaughn and others.

An act to give the sheriff of Grant further time to return his delinquent list; and,

An act to add a part of the county of Cumberland to the county of Monroe.

Mr. M'Connell moved the following resolution, viz:

*Resolved*, That a committee of three be appointed to direct the building committee, as soon as may be convenient, to procure for the Senate chamber a number of single chairs, and small tables, with a commodious drawer and lock and key to each, and to cause the numbers, from one up to thirty eight, inclusive, to be painted on such tables; which tables shall respectively belong to the Senator, for the time being, representing the district of the number inscribed upon such table—and to give such other directions as said committee may deem proper in relation to furnishing said room.

Which was twice read and adopted; and Messrs. M'Connell, Hardin and Wingate were appointed a committee pursuant to said resolution.

On the motion of Mr. Faulkner—

Leave was given to bring in a bill to amend an act entitled, "an act more effectually to suppress gaming," approved, December 29, 1823; and Messrs. Faulkner, Wickliffe, Miller and Hardin were appointed a committee to prepare and bring in the same.

A bill concerning the General Court, was read the second time.

Mr. Edwards moved to lay the said bill and an amendment proposed thereto, on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Edwards and Wall, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Edwards, Fulton, Griffin, Hardin, Hughes, Maupin, Ray, Rodman, Rudd, Selby and Wood—13.

NAYS—Messrs. Brown, Campbell, Cunningham, Faulkner, Fleming, George, Gibson, Green, Harris, M'Millan, M'Connell, Miller, Owsley, Payne, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams and Wingate—25.

The said bill was amended.

And the question being taken on engrossing the same and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barrett and Fulton, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, M'Millan, M'Connell, Owsley, Payne, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams and Wingate—22.

NAYS—Messrs. Allen, Barrett, Edwards, Fulton, Griffin, Hardin, Harris, Hughes, Ray, Rodman, Rudd, Selby and Wood—13.

A bill to require the judges of the circuit courts to reside within their respective districts, was read the second time.

Mr. Hardin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Fulton, were as follows, viz:

YEAS—Messrs. Allen, Campbell, Cunningham, Fleming, Griffin, Hardin, Harris, Owsley, Rudd, Thompson, White and Wood—12.

NAYS—Messrs. Brown, Edwards, Faulkner, Fulton, George, Gibson, Green, Hughes, Maupin, M'Millan, M'Connell, Payne, Ray, Rodman, Stephens, Summers, Thornton, Townsend, Wall, Wickliffe and Wingate—21.

Ordered, That the said bill be engrossed and read a third time to morrow.

A bill to change the annual stated meetings of the General Assembly, was read the second time as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, that the next annual meeting of the General Assembly shall be on the first Monday in January, 1831, and that the stated annual meetings of the General Assembly shall, thereafter, be on the first Monday in January, in each and every year, any law, custom or usage to the contrary notwithstanding.

Mr. Hardin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative. The Senate being equally divided the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Griffin and Ray, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Edwards, Fleming, Fulton, Gibson, Green, Griffin, Hardin, M'Connell, Ray, Rodman, Rudd, Stephens, White, Wingate and Wood—19.

NAYS—Messrs. Cunningham, Faulkner, George, Harris, Hughes, Maupin, M'Millan, Miller, Owsley, Payne, Selby, Summers, Taylor, Thompson, Thornton, Townsend, Wall, Wickliffe and Williams—19.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary of State.

The rule of the Senate having been dispensed with, the said message was read as follows, viz:



*Gentlemen of the Senate:*

I nominate, for your advice and consent, William Freeman, to be sheriff of Laurel county, to fill the vacancy occasioned by an omission of the county court of said county, to recommend two fit persons for that office, pursuant to, and within the term prescribed by the constitution.

THOMAS METCALFE.

January 1, 1830.

*Resolved*, That the Senate advise and consent to the said appointment.

*Ordered*, That Messrs. Faulkner and Owsley inform the Governor thereof.

A bill to amend the law concerning constables, was read the second time.

Mr. M'Connell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Allen and Selby, were as follows, viz:

YEAS—Messrs. Edwards, Fleming, George, Gibson, M<sup>r</sup> Millan, M'Connell, Payne, Rudd, Stephens, Summers, Thornton, Townsend, White and Wood—14.

NAYS—Messrs. Allen, Cunningham, Faulkner, Fulton, Griffin, Hardin, Harris, Hughes, Maupin, Miller, Owsley, Ray, Rodman, Selby, Taylor, Thompson, Wall, Wickliffe, Williams and Wingate—20.

The said bill was committed to a committee of Messrs. Wingate, Allen, Fleming, Harris and Wickliffe.

A bill from the House of Representatives, entitled, "an act to give the sheriff of Grant further time to return his delinquent list,"

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

The message received from the Governor on yesterday was taken up and read as follows, viz:

*Gentlemen of the Senate:*

I nominate for your advice and consent, Abraham Enyert, Esq. as sheriff of Monroe county, to fill the ensuing vacancy, which will commence when the term of Radford Maxey, the present sheriff of said county, expires.

In making this nomination, I have respectfully to inform the Senate, that the county court of Monroe, did, at their last November term, recommend Edward Maxey and Jonathan Newman, as fit and proper persons, one of whom to be commissioned as

successor of the present sheriff. But in making this recommendation the court, as I conceive, omitted to pay a "just regard to seniority in office and a regular rotation," and consequently, the duty of appointing to that office, devolves upon the Executive and Senate.

It appears from the files of this office, that Abraham Enyert is the senior justice of Monroe county, and he is returned as such, on the list furnished by the clerk of said county court, of all the justices of the peace of that county, bearing date the 9th of June, 1828. It furthermore appears that the said Enyert has acted as a justice of the peace for said county, and that his acts have been received and himself recognized as such, by the said court, even up to the date of their order of recommendation before mentioned. But yet the court omitted to name Mr. Enyert, in their recommendation, on the ground that he was not a justice of the peace of that county. And this they infer from the following acts of the Legislature, to which I refer the Senate.

First: "An act to establish the county of Monroe," approved January the 19th, 1820. In pursuance to the provisions of this act, James M'Millan was appointed to run the line between the counties of Cumberland and Monroe, and did run it, so as to leave Mr. Enyert in the latter county, in and for which he was commissioned a justice of the peace on the 18th day of September, 1820.

By an act approved the 11th day of December, 1822, evidently predicated upon the presumption that M'Millan's line had not been correctly run, Caleb H. Ricketts of Adair county, was appointed to run and mark the said line, which he proceeded to do, leaving said Enyert in the county of Cumberland.

And on the 11th day of January, 1825, an act was passed establishing the first, or M'Millan's line, as the permanent boundary between the two counties, thereby fixing the residence of Mr. Enyert in the county of Monroe.

This is a case, it must be confessed, which presents to the mind considerable difficulty. And the Executive would have been more at a loss to decide upon the legality of the proceedings of the court, but for their recognition of Mr. Enyert as a justice of the peace, their omission to name him in their recommendation for sheriff, forming the only exception to such recognition, with which the Executive has been made acquainted. It is believed that a decision in this case, conformable to the proceedings of the court heretofore, in receiving the official acts of Mr. Enyert as such, and thereby acknowledging him to be a justice of the peace of Monroe county, will have a tendency to prevent unpleasant controversies hereafter. For if the ground now assumed by the court be correct, all the acts of Mr. Enyert, whether as a member of that court or singly, must be void; and he deprived of that compensation for his services, which the constitution con-

templated. On the other hand, a postponement for two years, of the office of sheriff, for the other justices respectively, will be the only effect to be produced by a decision favorable to Mr. Enyert.

THOMAS METCALFE.

And the question being taken on advising and consenting to the appointment of the said Abraham Enyert, Esq. as sheriff of Monroe county, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Ray, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Cunningham, Edwards, Faulkner, Fleming, Fulton, George, Gibson, Green, Griffin, Hardin, Harris, Hughes, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Rudd, Selby, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Wingate and Wood—35.

NAYS—Mr. Maupin—1.

Ordered, That Mr. Wood inform the Governor thereof.  
And then the Senate adjourned.

#### SATURDAY, JANUARY 2, 1830.

The Senate assembled.

Mr. Faulkner presented the petition of John Jennings, administrator of the estate of Doctor Benjamin Mason, deceased, praying that a law may pass authorizing him to complete a brick house near Lancaster, in the building of which the said Mason was engaged at the time of his death.

Which was received, read and referred to a committee of Messrs. Faulkner, Williams, Edwards, Hardin, Miller and Owsley.

Mr. M'Millan from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the counties of Adair, Barren, Green and Cumberland, praying for the formation of a new county out of a part of each of said counties, and have come to the following resolution thereon, viz:

*Resolved*, That the said petition *is reasonable*.

Mr. Maupin moved to amend the said report by striking out the words, "*is reasonable*," and inserting in lieu thereof the words, "*be rejected*."

And the question being taken thereon, it was decided in the affirmative, and so the said petition was rejected.

The yeas and nays being required thereon by Messrs. Maupin and Hardin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Faulkner, Fleming, Fulton, George, Griffin, Hardin, Har-



ris, Hughes, Maupin, M'Connell, Miller, Owsley, Rudd, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams and Wood—29.

NAYS—Messrs. Edwards, Gibson, M'Millan, Payne, Ray, Rodman and Selby—7.

On the motion of Mr. Selby—

Leave was given to withdraw the said petition.

A message was received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act to divorce Agnes Street from her husband, John Street, and John Cochran and Catharine Cochran; and,

An act to legalize the proceedings of the circuit and county courts of Hancock county.

And of the passage of a bill which originated in the Senate entitled, "an act for the benefit of the heirs of John Head."

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the State of the Commonwealth, Mr. Faulkner in the chair; after some time spent in committee, the Speaker resumed the chair, and Mr. Faulkner reported that the committee had, according to order, had under consideration "a bill to amend the law in relation to opening and repairing the public roads," and had made further progress therein, but not having time to go through the same, had directed him to ask leave to sit again; which was granted.

Mr. Hardin from the committee of finance, to whom was referred, a bill for the benefit of Mary Cale, reported the same with the following resolution thereon:

*Resolved*, That the said bill ought not to pass.

Which was twice read, and Mr. Gibson moved that the said resolution be disagreed to.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Gibson, were as follows, viz:

YEAS—Messrs. Allen, Brown, Cunningham, Edwards, Fulton, George, Gibson, Green, Griffin, Harris, Hughes, M'Millan, M'Connell, Owsley, Rodman, Rudd, Selby, Stephens, Townsend, Wall, Williams and Wingate—22.

NAYS—Messrs. Barrett, Campbell, Faulkner, Hardin, Miller, Payne, Ray, Summers, Taylor, Thompson, Thornton, White, Wickliffe and Wood—14.

*Ordered*, That the said bill be engrossed and read a third time on Monday next.

Mr. Hardin from the committee of finance reported a bill for the benefit of Henry Waddle;

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second

and third readings of the said bill having been dispensed with, and the same being engrossed,

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Mc'Connell, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Cunningham, Edwards, Fulton, George, Green, Griffin, Hardin, Harris, Hughes, M'Millan, Miller, Owsley, Ray, Rodman, Radd, Selby, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Williams and Wingate—29.

NAYS—Messrs. Faulkner, Fleming, Gibson, Mc'Connell, Payne and Wickliffe—6.

*Resolved*, That the title of the said bill be as aforesaid.

A bill to extend the Maysville and Washington turnpike road, was taken up, the second reading was dispensed with, and it was committed to the committee of Internal Improvements.

On the motion of Mr. Wickliffe—

Leave was given to bring in a bill concerning the public highways in the county of Fayette, and for other purposes; and Messrs. Wickliffe, Thornton, Brown and Wall were appointed a committee to prepare and bring in the same.

A bill from the House of Representatives entitled, "an act to amend the laws defining the powers of the trustees of the town of Newport," was recommitted to a committee of Messrs. Stephens, Mc'Connell and Fleming.

And then the Senate adjourned.

#### MONDAY, JANUARY 4, 1830.

The Senate assembled.

Mr. Thornton presented the petition of Hugh Talbott, representing that he borrowed a sum of money from the Bank of the Commonwealth, for the payment of which he mortgaged two houses and lots in the town of Millersburg; that said property has been sold for the payment of said debt, and purchased by the bank for much less than its value, and the time to redeem it has expired, and praying that a law may pass allowing him credit for the value of said property, or that further time be given him to redeem it; and,

Mr. Mc'Connell presented the petition of Harriet K. Clark, late Harriet K. Radford, praying that a law may pass authorizing the sale of a part of a tract of land in Lewis county, of which John Radford died possessed, for the purpose of educating the infant children of the said John Radford.

The said petitions were received, read and referred; the for-

mer to the committee of propositions and grievances, and the latter to the committee of courts of justice.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Ray—A bill to amend the forfeiture laws in relation to actual settlers; and,

By Mr. Wickliffe—A bill concerning the public highways in the county of Fayette, and for other purposes.

Which bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the latter bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

Mr. Stephens from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to amend the laws defining the powers of the trustees of the town of Newport," reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. M'Connell from the committee of courts of justice, to whom was referred, a bill for the benefit of Samuel Campbell, late sheriff of Caldwell county, reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act for the benefit of Abraham Smith.

An act for the benefit of Sarah Mitcherson and others.

An act in relation to the Georgetown and Cincinnati turnpike.

An act for the benefit of the shareholders of the Louisville Insurance Company.

An act to amend the penal laws.

An act for the benefit of Richard Taylor and others; and,

An act for the benefit of Polly Flowers.

And that they had adopted a resolution directing the president



and directors of the Bank of Kentucky to pay to John D. Hay a certain sum of money.

And that the House of Representatives have concurred in the report of the committee of conference, in relation to the amendment proposed by the Senate, to a bill from that House entitled, "an act to allow the Independent Banks in this Commonwealth further time to settle their concerns."

Mr. Brown from the said committee of conference, made the following report, which was twice read and concurred in, viz:

The committee appointed on the part of the Senate to confer with the committee appointed on the part of the House of Representatives in relation to an amendment made by the Senate, to a bill which originated in the House of Representatives entitled, "an act to allow the Independent Banks in this Commonwealth further time to settle their concerns," to which amendment the House disagreed and the Senate insisted: report, that, according to order, they have had conference with the committee on the part of the House of Representatives, and have come to an agreement with that committee, to adopt in lieu of the amendment of the Senate, the following amendment to said bill, to-wit:

*"Be it further enacted,* That the directors or commissioners of said banks, shall have power to sell off the stock owned by any debtor to said banks, against any debt due to said banks from such stockholder: *Provided however,* that the said directors or commissioners, before they sell off the stock as aforesaid, pay all notes issued by said bank that have been presented or debts due by said bank in any manner." All which is respectfully submitted to the consideration of the Senate.

GEO. I. BROWN.

Mr. Green from the committee to whom was referred, a bill to add a part of Ohio to Daviess county, reported the same with amendments.

Which were twice read and concurred in.

*Ordered,* That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved,* That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Green—1. A bill to furnish the officers of Hancock county with the Digest of the Statutes.

On the motion of Mr. Wingate—2. A bill to impose a tax on sales at auction in the town of Frankfort.

On the motion of Mr. Rudd—3. A bill to regulate the fees of the clerk of the Court of Appeals, and other clerks; and,

On the motion of Mr. Green—4. A bill directing the Auditor

of public accounts to receive the delinquent lists of the sheriff of Breckenridge county, and audit the same.

Messrs. Green, M'Connell and Edwards were appointed a committee to prepare and bring in the first; Messrs. Wingate, White and Gibson the second; Messrs. Rudd, Stephens and M'Connell the third; and Messrs. Green, Cunningham and Townsend the fourth.

A resolution from the House of Representatives directing the president and directors of the Bank of Kentucky to pay to John D. Hay a certain sum of money, was taken up, twice read and referred to the committee of finance.

The resolution fixing a day for the election of public officers, read and laid on the table by Mr. Wingate on the 22d of last month, was taken up, twice read and adopted as follows, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That they will, on the sixth day of January, 1830, proceed by a joint vote of both houses, to the election of a Treasurer, Public Printer, President and Directors to the Bank of Kentucky, and a President to the Bank of the Commonwealth of Kentucky.

*Ordered,* That Mr. Fleming carry the said resolution to the House of Representatives and request their concurrence.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the State of the Commonwealth, Mr. Allen in the chair; after some time spent in committee, the Speaker resumed the chair, and Mr. Allen reported that the committee had, according to order, had under consideration "a bill to amend the law in relation to opening and repairing the public roads," and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table.

The said bill is as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at each annual election for members of the House of Representatives, it shall be the duty of the several sheriffs, judges and clerks, of said elections, to cause to be opened a poll at each place of voting, for three road commissioners of that county, and the three persons who shall, upon a comparison of the polls, have the highest number of votes for road commissioners, shall receive from the high sheriff of the county, or in case of his absence from the county, or other cause, preventing him from giving it, then from one of his deputies, a certificate of his election of the following import; "———county, sect. 1, A. B. high sheriff of said county, do hereby certify, that at an election of the qualified voters of said county, holden in August, in the year ——agreeably to law, C. D. E. F. and G. H. of said county, were duly elected road commissioners for one year, and until a successor be duly elected and qualified." And if the certificate be given by the deputy, he shall vary it to suit the case.

The sheriff giving the certificate, shall preserve a duplicate of *said certificate*, which he shall produce in open court, at the next term of his county court, and said court shall cause the production thereof to be noted on a book to be kept for that purpose by their clerk, and the certificate shall be filed with the clerk for safe keeping, and a copy thereof properly certified by said clerk, together with a copy of the notice taken thereof on the record, shall be competent evidence in all cases in which the same may become material.

Sec. 2. The said commissioners so elected, shall, at the next county court after their election, in open court, respectively take the following oath or affirmation, to-wit: "I, A. B. do solemnly swear (or affirm as the case may be) that I will fairly and impartially, to the best of my skill and abilities, perform the duties of road commissioner during my continuance as such, according to law," which oath shall also be noticed on the book of the said court, kept for that purpose, and said commissioners shall, at the same term of the court, enter into bond with good and sufficient security, to be approved of by said court, *in at least — dollars, payable to the Commonwealth of Kentucky, conditioned for the faithful performance of his or their duties as commissioner or commissioners, and on which bond any person considering himself aggrieved, may sue, and one recovery shall be no bar to another suit or suits; and no commissioner shall act as such until he shall have taken the oath and executed the bond as aforesaid.*

Sec. 3. The said commissioners, or a majority of them, shall proceed to lay off the several roads in their respective counties, into as many precincts as they shall see *proper*, and appoint an overseer over each precinct, whose duty it shall be, to cause said roads respectively to be improved and kept in repair agreeably to law, *and the direction of the commissioners if they shall choose to direct the same; and the said commissioners, all being present, may compound with any individual liable to work on public roads, for certain improvements and repairs to be made on one or more parts of any road, and to be kept up by such individual in lieu of such, his liability for any number of years that may be agreed upon, and such contract shall be reduced to writing and filed with the clerk of the county court for safe-keeping; and in case the obligor in said contract shall own land upon which he resides in said county, and shall transfer the same, then the said contract shall pass with the land, and the transferee shall be entitled to all its benefits, and liable to all its obligations, and a lien shall at all times exist upon said lands for the performance of said contract, and proceedings may be had thereon in the circuit court of the county, either by suit or by motion, ten days previous notice having been given, and the circuit court may, upon rendering judgment against the defendant for a breach of said bond, enter an order vacating and setting aside the said contract, as to all time to come, if good cause be shewn, or with the consent of both parties thereto, in case the court shall be satisfied that the public interest will be promoted thereby, and no jury shall be necessary in the trial of any proceeding on such contract unless one of the parties thereto shall require it.*

Sec. 4. The said commissioners shall be considered a body corporate, and by the name of "*the Road Commissioners*" of that county for which they



were elected, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered, and by the name and style aforesaid, may contract and be contracted with, in relation to any of the objects direct or incidental, for which they were elected, and they and their successors, shall be considered in law as a body existing in perpetuity, and they may receive, by gift, subscription, devise or contract, any estate, real or personal, choses in action, securities or other thing for the use and benefit of the public roads of such county, and shall in all cases where the purposes or intent of the donation, subscription, devise or contract is *specifically* set forth or manifested, appropriate the thing thereby received according to such *specific* direction or intent: *Provided, however,* that any person injured, may, and shall, for the malfeasance, trespasses, or conduct incompatible with the powers granted by this act of incorporation on the part of any one or more of said commissioners, have the right to sue such commissioner or commissioners, and his or their security or securities in their individual right, and in that character shall they be alone liable for the said wrongs herein before last enumerated.

Sec. 5. *Be it further enacted,* That when any thing is subscribed in aid of improving or repairing any public road, or building a bridge, the same shall be paid agreeably to the terms of the subscription, and on failure, the commissioners shall have the right in law, to recover the thing so subscribed, or the value thereof by the appropriate action, and the improvement, addition, or repair contemplated, shall be deemed in law, a valid consideration for the subscription.

Sec. 6. *Be it further enacted,* That it shall be the duty of the clerk of the county courts of the respective counties in this State, within ten days after the return to them of the books of the commissioners of the revenue, to make out for the road commissioners, a complete copy thereof, and furnish the same on request—and it shall be the duty of the road commissioners, forthwith to furnish each of the overseers by them appointed, with a transcript of so much of said commissioner's book as will embrace all the persons and property within the bounds of his precinct, shewing in an appropriate column, the amount of revenue to be paid by each individual within his bounds, at a rate to be fixed by said commissioners, not exceeding six and a fourth cents on the one hundred dollars, and add to that revenue, a poll tax upon each white male *inhabitant* within their county, *not over* ——— *nor under* ——— *years of age*; and upon each male amongst the free negroes and mulattoes *within the same ages*, within their county, not exceeding one dollar, nor under fifty cents; and each overseer shall, from time to time, as occasion shall make it necessary, call upon the individuals so within his precinct to work upon the particular road of which he is overseer, until each person liable to a revenue or poll tax as aforesaid, shall have worked upon the public road, a length of time equal to one day for every fifty cents to which such tax shall amount; and this estimate shall determine the quantity of work due upon the road by each person liable to the same: *Provided, however,* that the county court of the county may, for good cause shown, exempt any person whatever from the whole or any part of the labor which would be due by the aforesaid estimation, but such exemption shall only operate during the time to be limited by such court, and shall not be retrospective in its effects: *And provided further,* That the labor to be performed, may, at all times, be

done with one or more able bodied industrious substitutes, and it shall be the duty of the overseers to dock any individual at the rate of ten cents per hour for every hour he shall, when attending to work on the public road, wilfully idle away, or to dock him for laziness and neglect of duty, or disobeying legal and reasonable commands or instructions in relation to the work, but any person docked shall be informed of it on *the same day* of his delinquency, and of the extent of the sum for which he is so docked, and the commissioners shall have power to strike out or continue against the individual, the sum or sums for which he was so docked, as they may think justice and the public good requires.

Sec. 7. *Be it further enacted*, That on the first Monday in December in each year, the overseers of roads shall deposit with the clerks of their respective county courts, for the road commissioners, a list of all the delinquents for the preceding year, and the said commissioners shall, on or before the first Monday in January in each year, make out a connected list of said delinquents, and furnish the high sheriff of the county, or one of his acting deputies therewith, whose duty it shall be to receive and receipt to said commissioners for the same, and it shall be the duty of the respective sheriffs, to collect the amount of said delinquent list from the respective persons named therein, in the same manner and within the same time that by law they are now required to collect the county levy, and account for, and pay over the same to the said commissioners, on or before the first day of October in each and every year, and return a list of delinquents to the county commissioners, who shall examine the same, and allow such as they are satisfied could not have been collected by reasonable diligence on the part of the sheriff, and charge the sheriff with the residue; and on failure of the sheriff to receive the lists when so tendered, or to collect or pay over the same, he and his securities shall be liable to said commissioners for the amount of said list, with fifteen per centum damages thereon, to be recovered by motion in the county or circuit court of that county, ten days previous notice having been given, or by suit on the bond as the commissioners may elect; and the sheriff shall be allowed seven per cent. for collecting, on the monies actually collected by him.

Sec. 8. *Be it further enacted*, That the commissioners shall, when they place the list of delinquents returned by the overseers, in the hands of the sheriffs again for collection, also place so many of the delinquents returned by the sheriff as are not hopelessly lost, and take his receipt therefor, with the others which the sheriff shall collect, if possible; and the sheriff shall return no person a delinquent, unless he has actually demanded of him the amount, and levied on his property, if any he had or has, in his county at the time of offering to make such return: *Provided, however*, That any individual who has been returned a delinquent, *the first time*, may at any time when his overseer shall be engaged with the other hands, go upon the road with the necessary tools, and discharge the amount for which he was so returned delinquent, by labor on the road, and upon doing so faithfully and honestly, the overseer shall give him a certificate to that effect, which, when presented to the road commissioners, they shall receive, and give to such person a full discharge for the amount, which receipt or discharge shall be respected by the sheriff.

Sec. 9. Before the road commissioners deliver to the sheriff the list of delinquents in each year, they shall present to the county court, a statement

of the amount of the whole of such delinquencies, which the court shall cause to be *spread upon their records*, and when the sheriff shall have settled with said commissioners, he shall report to the court the whole amount of money paid over to the commissioners, and the amount of his delinquent list allowed, which shall also be *spread upon the record*, all of which shall be evidence against the sheriff or commissioners, and said commissioners shall keep a true account of all monies by them expended, and for what particular improvement or repair, and to whom paid, and shall present in open county court at their April or May term in each year, a full and fair copy of said account of expenditures which shall be evidence against said commissioners and *prima facie* evidence for them, subject, however, to be *rejected* when relied upon by the commissioners, *by extraneous evidence*.

Sec. 10. Upon the election and qualification of new commissioners, the former ones shall deliver over to them, all books, papers and records, and all tools and implements which belong to the public, or which were purchased with the monies of the public, and all other things pertaining to them, as road commissioners, and take an inventory or schedule of the same, which they shall also file with the clerk of the county court after the same shall have been signed, as well by the old as the new commissioners.

Sec. 11. The road commissioners shall, whenever the funds in their hands will justify it, procure any necessary tools or implements for improving or repairing the roads of their county, and hold the overseers who may receive them for use, to a strict accountability for their preservation and return, and to that end shall take a receipt for all tools so furnished. Said commissioners shall keep a book noticing all their appointments of overseers, and the amounts in their respective precincts in each year, to be paid for in labor, and such other matters in relation to their duties as shall be considered necessary.

Sec. 12. The commissioners shall, when the funds in their hands will enable them, determine what roads, and what particular parts of roads, shall be improved, and in what manner and to what extent, and advertise for receiving proposals for the work specified, either by inserting a brief statement thereof in an authorized newspaper, if one be published in their county, or by causing it to be written in a plain hand, and causing one copy to be posted up on the door of the court house, and another in the most conspicuous place in the clerk's office of the county court, there to remain, and be preserved by the clerk until the time therein limited for receiving proposals shall have transpired; and they shall enter into written contracts, taking security for the faithful performance of the work where necessary, and they shall never receive any work so contracted for, that is not faithfully performed, of good materials and in accordance with such contract except as to time, and they may for good cause shewn, extend the time once if they shall see proper, and the commissioners in making improvements by contract, shall give preference to the main roads of the county, or some one or more of them.

Sec. 13. Overseers of roads shall be liable to presentments and fines as heretofore, and the commissioners or any of them, in addition to their other liabilities, shall for a failure to discharge any of the duties required of them, be liable to presentment or indictment, and to be fined at the discretion of a jury, and for failing to pay over to their successors, any monies



in their hands, they may be proceeded against by such successors, by suit or motion on their bond or bonds respectively; but no commissioner shall be liable in such proceeding, except such one or more as may be found *delinquent*, and in rendering judgment for such delinquency, the court shall award fifteen per centum upon the amount which may be found due.

Sec. 14. All fines and forfeitures which by any of the penal laws of this Commonwealth, are directed to be paid into the public treasury, or to be applied to lessening the county levy, shall be paid over to the road commissioners of the county in which the offence was committed, in aid of improving the public roads; and the commissioners may proceed to the recovery of the same from any collecting officer, who has received such fines or forfeitures, and his security or securities, by motion either in the circuit or county court, ten days previous notice being given, by such commissioners, or may sue upon the bond of such officer, and in every instance of a recovery on the part of the commissioners by either mode of proceeding, the court shall award judgment for twenty per centum upon the amount so recovered; and every person paying over money to commissioners, under the provisions of this act, shall not be discharged or acquitted thereof, unless he shall cause to be filed with the clerk of his county court a copy of the receipt of such commissioner or commissioners as received the same; and it shall be the duty of each of said clerks, at the April or May term of their courts in each year, to present to said court, an account of all monies so paid over to each of the commissioners, shewing the amount received by each commissioner; and the court shall cause a notice of the several amounts to be entered on *their records*.

Sec. 15. In all motions or suits brought by the commissioners, under the provisions of this act, the attorney for the Commonwealth, if in the circuit court, and the county attorney, if in the county court, shall ex-officio prosecute the same, and the clerks, sheriffs and other officers, shall charge no fees unless judgment be given against the defendant or defendants, and then the costs in the execution shall be for the benefit of the officers rendering the services, and for the witnesses and others who have a right thereto; and the officer collecting the same shall pay the same over to the persons entitled thereto.

The said amendments reported from the committee of the whole, are as follows, viz:

1. Sec. 1. Strike out "*of said certificates,*" printed in italics, and insert "*thereof.*"

2. Sec. 2. Strike out the words "*in at least ——— dollars,*" and the word "*conditioned.*"

3. Sec. 3. After the word "*proper,*" insert "*taking care that the said precincts do not interfere or clash with each other.*"

4. Strike out the word "*and,*" and insert "*under.*"

5. After the word "*road,*" insert "*or roads.*"

6. Strike out the following words, "*and in case the obligor in the said contract shall own land upon which he resides in said county, and shall transfer the same, then the said contract shall pass with the land, and the transferee shall be entitled to all its benefits and liable to*

*all its obligations, and a lien shall at all times exist upon said lands for the performance of said contract."*

7. Add to the third section the following proviso, viz: "*Provided further, That nothing in this section shall be so construed as to compel any person to work on any road out of the precinct in which he resides."*

8. Sec. 4. Strike out the words "*specifically,*" and "*specific.*"

9. Sec. 6. Strike out "*on the same day,*" and insert, "*within ten days.*"

10. Strike out "*inhabitant,*" and insert "*tithable.*"

11. Strike out "*not over — nor under — years of age,*" also the words, "*within the same ages.*"

12. Sec. 7. Strike out "*commissioners,*" and insert, "*court of the court of claims.*"

13. Sec. 8. After the word, "*amount,*" insert "*if found in his county,*" and strike out the words, "*the first time.*"

14. Sec. 9. Strike out "*spread upon their record,*" and insert "*noted upon the record book kept for that purpose,*" in two places.

15. After the word "*rejected*" insert "*by extraneous evidence,*" and strike out those words at the end of the section.

16. Sec. 13. After the word "*delinquent,*" insert "*and such person as may be bound in the bond with them.*"

17. Sec. 14. Strike out "*their records,*" and insert, "*the record book kept for that purpose.*"

18. Add to the bill the following sections:

Sec. 16. *Be it further enacted, That the said commissioners shall be allowed, out of the road funds, when so much there shall be on hand, at the rate of one dollar per day for each day they shall severally be actually employed in the business of their respective agencies or duties, as commissioners, but no commissioner shall be allowed to receive or retain any compensation for his services, until he shall have produced in the open county court of his county, an account or statement of the number of days he shall have so served, and for which he has not received compensation, giving to each day's service its particular date, and stating briefly in what particular business he was, on each particular day engaged, and shall have made solemn oath in said court, that such account is just and true, and that each claim therein made, is correct; which account, marked sworn to, by the clerk of said court, shall by him be filed away and carefully preserved: Provided, however, That the compensation of no one commissioner shall, in any one year, exceed one and a half per cent. on the amount of labor bestowed and the amount of money actually expended on the road in his county.*

Sec. 17. *That in case of any vacancy by death, resignation or otherwise, in the board of commissioners, the court of the county in which such vacancy has happened, shall fill the vacancy by the appointment of a successor, in the place of the one who has*

died, resigned or refused to act, and whose duty it shall be to execute bond, and perform all the duties, as are herein required of the commissioners first herein named.

Sec. 18. That the several clerks of the circuit and county courts respectively, shall not be entitled to charge any fees, to the Commonwealth or county, for any services to be by them rendered under this act.

The six first amendments were twice read and concurred in.

Mr. Hardin moved to amend the said seventh amendment by substituting therefor the following proviso, viz:

*And provided further,* That no person shall be taxed in their property or labour, to work on more roads than one, except in opening a new road.

And the question being taken on adopting the said amendment proposed by Mr. Hardin, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Payne, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cunningham, Faulkner, George, Green, Griffin, Hardin, Harris, Maupin, Miller, Owsley, Ray, Rudd, Selby, Summers, Thornton, Wall and Wood—19.

NAYS—Messrs. Brown, Campbell, Edwards, Fleming, Fulton, Gibson, Hughes, McConnell, Payne, Rodman, Stephens, Taylor, Thompson, Townsend, White, Williams and Wingate—17.

Mr. McConnell moved to lay the said bill and amendments on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative. The Senate being equally divided the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate and Ray, were as follows, viz:

YEAS—Messrs. Brown, Campbell, Edwards, Faulkner, Fulton, George, Griffin, Hardin, Harris, Maupin, McConnell, Miller, Owsley, Ray, Selby, Summers, Townsend and Wood—18.

NAYS—Messrs. Allen, Barrett, Cunningham, Fleming, Gibson, Green, Hughes, Payne, Rodman, Rudd, Stephens, Taylor, Thompson, Thornton, Wall, White, Williams and Wingate—18.

Mr. Green from the committee appointed for that purpose, reported a bill for the benefit of the sheriff of Breckenridge county.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and the second reading of the said bill having been dispensed with, it was amended and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved,* That the said bill do pass and that the title be, an act for the benefit of the sheriffs of Breckenridge and Bracken counties.



A bill from the House of Representatives, entitled, "an act in relation to the Georgetown and Cincinnati turnpike," was taken up.

The rule of the Senate, constitutional provision and first and second readings thereof were dispensed with, and it was committed to a committee of Messrs. Wall, Stephens, Gibson, Barrett, M'Connell and Thornton.

On the motion of Mr. M'Connell—

Leave was given to bring in a bill to amend the laws in relation to improving and keeping in repair the public roads in certain counties; and Messrs. M'Connell, Taylor, Fulton, Rudd, Green, Stephens and Fleming, were appointed a committee to prepare and bring in the same.

Mr. Maupin from the committee appointed for that purpose, reported a bill for the benefit of the heirs of George Walters deceased,

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Wingate from the committee to whom was referred, a bill to amend the law concerning constables, reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill be engrossed and read a third time to-morrow.

And then the Senate adjourned.

## TUESDAY, JANUARY 5, 1830.

The Senate assembled.

Mr. Gibson presented the petition of sundry citizens of Owen and Gallatin counties, praying that a State road may be opened from New-Liberty, in Owen county, to Fredericksburg in Gallatin county; and,

Mr. Rudd presented the petition of sundry citizens of Washington county, praying that a law may pass allowing an additional constable to said county.

Which petitions were each received, read and referred; the former to a committee of Messrs. Gibson, Stephens and Wingate, and the latter to a committee of Messrs. Rudd, Thompson and Wingate.

Mr. Allen from the committee of Internal Improvements, to

whom was referred, a bill to extend the Maysville and Washington turnpike road, reported the same with amendments.

Which were twice read and concurred in.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title be, an "act to amend an act to incorporate certain turnpike road companies," approved, January 29, 1829.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act for the benefit of Foster's devisees.

An act for the benefit of Thomas I. Young; and,

An act authorizing the insertion of advertisements in the Spy and Religious Literary Intelligencer.

And the adoption of joint resolutions on the subject of the Sunday Mail.

And of the passage of a bill which originated in the Senate entitled, "an act for the benefit of the sheriffs of Breckenridge and Bracken counties," with amendments.

Which amendments were taken up, twice read and concurred in.

Mr. M'Millan from the committee of propositions and grievances, reported a bill to change a part of the State road in Morgan county; and,

Mr. Allen from the committee of Internal Improvements, reported a bill to provide for opening a road from Floyd court house to Little Sandy Salt works, by way of Paintsville and Wood's ford on Blaine.

Which bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were committed; the former to a committee of Messrs. Harris, Williams, M'Millan, M'Connell and Fleming, and the latter to the committee of finance.

After a short time Mr. M'Millan from the committee to whom the former bill was referred, reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Allen from the committee of Internal Improvements, to

whom was referred, a bill to remove the obstructions to the navigation of Rough creek and Pond river, reported the same without amendment.

The said bill was amended and recommitted to the committee of finance.

The Speaker laid before the Senate a letter from a committee of the trustees of the Kentucky Institution for the tuition of the Deaf and Dumb, covering the annual report of the situation of that institution; which letter and report are as follows, viz:

*Danville, December 30, 1829.*

SIR—We have the honor to present to you, and to the honorable body over which you preside, the annual report of the trustees of the Kentucky Institution for the tuition of the Deaf and Dumb.

We are, respectfully, your obt. serv'ts.

D. G. COWAN, }  
J. BARBOUR, } *Committee.*

HON. JOHN BREATHITT, *Lieut. Gov. and Speaker of the Senate.*  
*To the honorable, the General Assembly of the Commonwealth of Kentucky.*

The trustees of the Asylum for the Deaf and Dumb, respectfully report: That during the past year the pupils of the Institution have enjoyed good health, and, under a faithful discharge of duty by the Superintendent, Matron and Teachers, have made satisfactory progress in the acquisition of useful knowledge.

The accompanying list of Pupils will exhibit the number received during the year, the number discharged and the number now under instruction, with the dates of reception and discharge, with their ages, &c.

From the statement of our Secretary herewith, (who also performs the duty of Auditor,) it will be seen that since our last report, no further sums have been received from the sales of our Florida lands, although we are advised by our agent there, (Col. Richard C. Allin,) that he has on hand \$1,000, awaiting an opportunity for transmission, and he has in all probability, collected by this time further sums.

It will be recollected, that by the terms of our grant from Congress, we are bound to sell those lands within five years from the date of the law, which period will expire on the 6th April, 1831. We are assured by our agent that owing to the depressed prices of the produce of the south, and consequent scarcity of money, that the interests of the Institution will suffer, if sales are forced within that period.

A petition to Congress for an extension of time, will be presented at its present session, which we hope will be successful.

The trustees are gratified by the attention paid to this Institution by the General Assembly, in sending a committee of their body to examine into its progress, management and utility, which



we hope may be repeated as often as may be found convenient; and as that committee will, no doubt, report the result of their observations, both as to the progress of the pupils and their comfortable condition, it will supercede the necessity of a more detailed one from this board.

When our funds shall have been increased from the sale of our lands, we will be enabled to reduce the price of tuition and to obtain by purchase, some land conveniently situated, upon which male pupils can be employed a portion of their time, in labor, not only for purposes of health, but for the procurement of necessities for themselves and the acquisition of habits of industry.

All which is respectfully submitted, by order of the board.

D. G. COWAN, }  
J. BARBOUR, } Committee.

*Pupils in the Asylum on the 3rd of November, 1829.*

Names.	A.	Where from.	When entered	Remarks.
Kitty Ann Pyle	20	Adair Co.	2 July 1825	I. a't 1st 6 m
Deborah Philips	17	Madison	7 Aug. 1826	Indigent.
Mary Ann Brown	14	Breckenridge	22 Nov. 1826	Indigent.
George W. Ross	16	Ohio	9 Jan. 1827	Indigent.
Levi Elliott	17	Madison	24 Jan. 1827	Indigent.
Rebecca Wiley	22	Bourbon	5 May 1827	Indigent.
Little'y Bailey	16	Franklin	7 May 1827	Indigent.
Thomas Kennon	27	Mississippi	3 May 1827	Pays charges
Charles H. Bliss	23	Ohio	5 July 1827	Pays charges
Riley Walker	22	Estill	13 Sept. 1828	Indigent.
Emily Grissom	21	Adair	24 April 1829	Indigent.
Francis Barlow	9	Washington	25 April 1829	Indigent.
John F. Brown	18	Missouri	18 May 1829	Pays charges
Andrew D. Holt	11	Bourbon	29 May 1829	Pays charges
David Arnett	25	Bath	3 Aug. 1829	Indigent.
Silas Ford	17	Madison	25 Sept. 1829	Indigent.
Lucinda Philips	12	Madison	7 Aug. 1829	Indigent.
Wm. P. Moore	16	Tennessee	2 Oct. 1829	Pays charges
Betsy B. Lockett	12	Shelby	2 Nov. 1828	Pays charges
Andrew J. King	12	Mercer	19 Jan. 1829	Indigent.

TRUSTEES—Benjamin Mills, *Chairman*; John Green, David G. Cowan, James Barbour, *Treas.* P. T. Charles Henderson, Joseph M'Dowell, Michael G. Youce, Rev. David Nelson, Rev. James C. Barnes, Rev. Thomas Cleland, D. D. and Lewis W. Green. James Harlan, *Secretary*.

OFFICERS—Rev. John R. Kerr, *Superintendent and assistant Teacher*. John A. Jacobs, *Principal Teacher*. Mrs. Frances Kerr, *Matron*.

PHYSICIAN—Dr. Joseph Weisiger.

*Names of Pupils who have at different times left the Institution.*

Lucy Barbee, Martha Railey, John Withers, Thomas Hoagland, Samuel Strickler, (since dead,) Enoch Wright, Lawry Hall, Billy Holloway, Angelina Baker, Rebecca Machem, Patsey Terrill, Alexander Thompson, Abram Williams, John Goggin, (since dead,) Eveline Sherrill, Jabez Gaddie, William Morehead, Edith Lewellin, Moses Lewellin, Barney M'Mahon, Martin Reed, John Hoke, Beverly Parker, Isaac Jones, Anthony L. Story, James Story, Waller Rodes, William Grissom, Narcissa Fowler, Nancy M'Clesky, Seburn Goins, Jacob Lagaser, Thomas Gatewood, Jacob Carter, Mary Robertson, Margaret Bryan, Louisa Hamilton, Sally Pyle, Eliza Atwater, Louisa Tulliss and Giles Chapman.

*Statement shewing the amount received and paid out for the year 1828 ending 3rd November, 1829.*

Nov. 3. To balance on hand, see last report,	\$1,934	18	1-2
Received from Treasury for support of			
indigent pupils this year,	1,779	87	
Do. for tuition,	238	14	
	<hr/>		
	\$3,952	19	1-2

CREDIT.

By this amount paid Mr. Kerr for boarding indigent pupils,	\$692	98	
His salary,	400	00	
Board of Barney M'Mahon,	75	00	
Fire wood for school room,	25	00	
Mr. Jacob's salary, \$500 specie, equal to	560	00	
Allowed him for board,	100	00	
Paid for State seals,	2	00	
Do. for printing,	22	97	
Do. for postages,	1	87	1-2
Do. for chairs, pencils and a lock,	6	42	
	<hr/>		
	\$1,886	24	1-2
Balance,	2,065	95	
	<hr/>		
	\$3,952	19	1-2

1829

Nov. 3. Balance on hand,	\$2,065	95	1-2
E. E.	JAMES HARLAN, Sec. B. T.		

Mr. Hardin from the committee of finance, to whom was referred, a bill for the benefit of Isaac Thomas and William Love, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill *ought not to pass*.

Which was twice read and concurred in, and so the said bill was rejected.

Mr. Maupin presented the following letter and report, viz:

*Lexington, December 31, 1829.*

ROBERT D. MAUPIN, Esq.

DEAR SIR—Herewith you will receive the report of the commissioners of the Lunatic Asylum, which we must ask the favor of you to submit.

Respectfully,

Your obt. humble servt.

JOHN W. HUNT.

*To the General Assembly of the Commonwealth of Kentucky:*

In conformity to your act, the Commissioners of the Lunatic Asylum, Report: That in the annexed paper, marked (A,) you will find a list of the patients, their disease, age, date when received, from what county; also, the number that have been admitted since this humane establishment was founded by your honorable body—shewing, that since then, seventy-eight have been restored to society, and their friends, out of two hundred and forty that have been admitted.

In the paper marked (B) you will find an account of the monies received and disbursements made, shewing a balance in the Chairman's hands, of thirty-two dollars sixty-five cents. It may be proper to state, that this account exhibits the expense for the last thirteen months, and that the expense of the new building exceeded our expectations. When the plans were submitted, and estimates made, it was found that a trifling additional expense would add a third story, and give thirty rooms, which were wanted, and to perfect which, we have been unable to complete the payments. The additional expense of the new wing, and the accounts running thirteen instead of twelve months, have left us in debt about eight hundred dollars; and furniture will be required for the new wing. Therefore we take the liberty of stating, that it will require at least eight thousand dollars to pay the debts and defray the expences of the institution for the ensuing year.

All which is respectfully submitted.

By order of the Board,

JOHN W. HUNT, *Chairman.*

*Lexington, Dec. 31, 1829.*



(A)

*List of Patients remaining in the Lunatic Asylum, 31st December, 1829.*

Date.	Disease.	Sex	County.	Age.	No.
1824, May	4 Idiocy,	Male,	Fayette,	25	2
do.	" do.	Female,	do.	23	3
do.	" do.	do.	Breckenridge,	42	4
do.	" do.	do.	do.	14	5
do.	" do.	Male,	Casey,	28	6
do.	11 Epilepsy,	Female,	Nicholas,	28	9
do.	31 Amat.	Male,	Scott,	34	12
do.	" Adolore,	Female,	Franklin,	28	13
do. June	3 Furor,	do.	Madison,	51	14
do.	11 do.	do.	Scott,	30	16
do.	26 Mania,	Male,	Lincoln,	47	20
do. July	10 do.	Female,	Butler,	42	23
do.	20 Catarna,	do.	Clark,	33	25
do. Sept.	7 Paralis,	Male,	Henry,	17	30
do.	14 Epilepsy,	do.	Madison,	37	32
do. Oct.	23 Mania,	Female,	do.	24	40
do.	" do.	do.	Jefferson,	38	41
do. Nov.	25 do.	Male,	Fayette,	34	50
1825, Jan.	25 Idiocy,	Female,	Shelby,	28	55
do. May	12 do.	Male,	Wayne,	30	67
do. June	4 Mania,	do.	Shelby,	28	70
do.	15 do.	do.	Warren,	30	73
do. July	31 Epilepsy,	do.	Wayne,	24	77
do. Aug.	7 Mania,	do.	Grayson,	30	78
do. Sept.	3 do.	do.	Mississippi,	26	81
do. Dec.	28 do.	do.	Knox,	28	92
1826, April	4 Dolore,	do.	Jefferson,	20	101
do.	14 Mania,	Female,	Harrison,	37	102
do. June	13 Idiocy,	do.	Garrard,	22	104
do. Sept.	28 Cataman,	do.	Harrison,	24	113
do. Oct.	1 Idiocy,	Male,	Perry,	19	114
do.	25 Mania,	Female,	Jefferson,	32	117
do. Nov.	23 do.	do.	Mason,	52	118
do.	" do.	Male,	Jefferson,	45	125
1827, Jan.	27 Idiocy,	do.	Clarke,	48	130
do. March	13 Epilepsy,	do.	Fleming,	22	131
do.	" Dolore,	do.	Fayette,	35	132
do. May	10 Epilepsy,	do.	do.	29	139
do.	29 Peur peril,	Female,	Washington,	50	140
do. June	6 Apotee,	do.	Mason,	52	142
do.	13 Idiocy,	Male,	Pendleton,	26	144
do.	29 do.	do.	do.	24	147
do. July	7 do.	Female,	Fayette,	45	149
do. Oct.	6 Mania,	do.	Christian,	60	155
do. Nov.	2 Idiocy,	do.	Bracken,	10	157
do.	21 Epilepsy,	Male,	Anderson,	32	158

Date.	Disease.	Sex.	County.	Age.	No.
do.	23 Mania,	Female,	Logan,	43	159
do. Dec.	12 Adolore,	do.	McCracken,	38	161
1828, Feb.	15 Mania,	Male,	Natchez,	40	165
do. April	10 do.	Female,	Barren,	40	168
do.	18 Apotee,	Male,	Mercer,	28	169
do.	" Epilepsy,	do.	do.	23	170
do. May	7 Mania,	Female,	Laurel,	27	173
do. June	23 do.	Male,	Fayette,	40	179
do.	30 do.	do.	do.	30	180
do. July	20 Epilepsy,	Female,	Spencer,	31	181
do.	28 Mania,	Male,	Harrison,	35	182
do. Aug.	4 Idiocy,	Female,	Wayne,	41	183
do.	7 do.	Male,	Mercer,	12	184
do. Sept.	18 Epilepsy,	do.	Boone,	29	189
do. Oct.	2 Idiocy,	Female,	Fayette,	14	191
do.	" Mania,	Male,	Barren,	33	193
do.	29 Apotee,	do.	Fayette,	42	194
do. Nov.	7 Cat. sup.	Female,	Jessamine,	25	195
do.	21 Epilepsy,	do.	Hart,	23	196
do. Dec.	4 Mania,	Male,	Allen,	31	199
1829, Jan.	4 Apotee,	do.	Jefferson,	30	201
do. Feb.	26 do.	do.	Scott,	60	202
do.	27 Mania,	Female,	Shelby,	48	203
do.	" Apotee,	Male,	do.	60	204
do. March	11 Man. ral.	Female,	Hart,	49	205
do.	15 Mania,	do.	Logan,	40	206
do.	19 Idiocy,	Male,	Lincoln,	15	207
do. April	29 Apotee,	do.	Jefferson,	18	208
do. May	30 Mania,	Female,	Logan,	35	210
do.	" do.	do.	Bourbon,	33	211
do. July	16 do.	do.	Monroe,	34	217
do.	17 do.	do.	Fayette,	50	218
do.	25 do.	do.	Simpson,	32	220
do. Aug.	27 do.	do.	Logan,	25	223
do. Sept.	5 Epilepsy,	do.	Mercer,	14	224
Sept.	14 Grief,	Female.	Barren,	26	226
do.	20 Mania,	do.	Hopkins,	35	227
do.	21 do.	Male,	Madison,	40	228
do.	29 Apotee,	do.	Lincoln,	33	229
do. Oct.	5 do.	do.	Scott,	36	230
do.	14 Mania,	do.	Caldwell,	35	232
do.	15 do.	Female,	Mercer,	34	233
do.	16 do.	Male,	Fayette,	32	234
do.	24 do.	do.	Mercer,	40	235
do. Nov.	2 do.	do.	Jessamine,	52	236
do.	19 Hard study,	do.	Owen,	19	237
do.	" Mania,	Female,	Woodford,	20	239
do.	" do.	do.	Bourbon,	33	240
Males--48. Females--46. Total--94.					

Remained in Hospital 27th Nov. 1828, per last report	85
Of whom have since died 13, cured 5, eloped 2—Total 20	
Received since last report, to 31st Dec. 1829,	44—129
Of whom have died 8, cured 7, Total 15	35

Remain 31st Dec. 1829,	94
Males 48, Females 46—94	

Of whom are boarders 9, paupers 85—94.

Since the Hospital was opened in January, 1824, to 31st December, 1829,	
there have been received, patients	240
Of whom have died 56, discharged 78, eloped 12,	146

Remain as above,	94
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Males 152, Females 88—240.

From the county of Fayette 13, Jefferson 8, Mercer 6, Scott 4, Madison 4, Shelby 4, Wayne 4, Logan 4, Breckenridge 3, Lincoln 3, Harrison 3, Barren 3, Clarke 2, Mason 2, Jessamine 2, Hart 2, Bourbon 2, Casey 1, Nicholas 1, Franklin 1, Butler 1, Henry 1, Warren 1, Woodford 1, Grayson 1, Knox 1, Garrard 1, Perry 1, Fleming 1, Washington 1, Pendleton 1, Christian 1, Anderson 1, McCracken 1, Laurel 1, Spencer 1, Boone 1, Monroe 1, Simpson 1, Hopkins 1, Caldwell 1, Owen 1—Total 94.

Average number of Males received in each year since 1824,	25 1-3
do. do. Females	14 2-3

Total, 40

do. do. deaths in each year, 9	1-3
do. do. discharges	13

N. B. It may be proper to observe, that of the 21 deaths which took place the past year, 5 persons were aged from 63 to 70 years; 4 were severely afflicted with epilepsy; 4 were born fatuous, and 1 had been confined as a maniac upwards of 28 years.

(B.)

*Receipt and Expenditures of the Lunatic Asylum, from 27th November 1828, to 31st December, 1829.*

DEBTOR.

1828—To balance in Commonwealth's Bank, per last report,	\$606 98
1829—To State appropriation,	10,900 00
" Amount of board from pay patients,	1,113 04
	<hr/> \$12,620 02

CREDITOR.

By amount paid for provisions,	\$2,379 09
" Ditto do. clothing,	1,215 62
" Ditto do. fuel,	926 89
" Ditto do. furniture,	209 30
" Ditto do. repairs,	129 89
" Ditto do. salaries and hire,	1,856 20
" Ditto, for medicine, coffins, fodder, candles, &c. &c.	270 42



" Ditto, " conveying patients to Asylum,	478 00
" Ditto, " erecting new wing and wall,	5,121 96
" Balance in Chairman's hands,	32 65

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 \$12,620 02

*Lexington, December 25, 1829.*

*Ordered,* That the said report be referred to the committee of finance, and that the public printer print one hundred and fifty copies thereof for the use of the General Assembly.

Mr. Hardin from the committee appointed for that purpose, reported a bill for the benefit of the widow and heirs of Benjamin Mason, deceased,

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved,* That said bill do pass and that the title thereof be as aforesaid.

Mr. Wickliffe from the committee of courts of justice to whom was referred, bills from the House of Representatives of the following titles, viz:

An act to authorize the county court of Green county so to regulate the constables' districts in said county as to reduce the number to nine; and,

An act for the benefit of Peggy Gillock,

Reported the same without amendment; the former bill was laid on the table, and the latter was ordered to be read a third time.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit:

By Mr. Rudd—A bill to regulate the fees of the clerk of the Court of Appeals, and other clerks; and,

By Mr. Green—A bill to furnish the officers of Hancock county with the Digest of the Statutes.

The said bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the latter bill having been dispensed with, it was committed to a committee of Messrs. Green, M'Connell, Stephens, Rudd and Rodman.

On the motion of Mr. Campbell—

Leave was given to bring in the following bills, viz:

A bill to alter the times of holding certain courts in this Commonwealth; and,

A bill to establish a State road from Smithland to Waidsboro.

Messrs. Campbell, M'Connell and Fleming were appointed a committee to prepare and bring in the former; and Messrs. Campbell, Cunningham and Summers the latter bill.

A message in writing was received from the Governor by Mr. Crittenden, Secretary of State.

Also, a message announcing that the Governor, on the 31st of last month, approved and signed an enrolled bill which originated in the Senate entitled, "an act to establish a ware-house at the mouth of Jonathan's creek, in Calloway county, and for other purposes."

A bill from the House of Representatives entitled, "an act to repeal the law authorizing the county courts of this Commonwealth to make allowances to constables and other officers in cases of riots, routs and breaches of the peace," was read the third time as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all and every act or acts, or parts of acts heretofore enacted, authorizing and permitting the county courts of this Commonwealth, to make allowances out of the county levy, to constables and other officers of this Commonwealth, for their fees in cases of riots, routs, unlawful assemblies and breaches of the peace, be, and the same are hereby repealed.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Townsend and Maupin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Faulkner, George, Griffin, Hardin, Hughes, Maupin, M'Connell, Miller, Ray, Selby, Summers, Wall, Wickliffe, Williams and Wood—17.

NAYS—Messrs. Brown, Campbell, Cunningham, Edwards, Fulton, Gibson, Green, Harris, M'Millan, Owsley, Payne, Rodman, Rudd, Stephens, Taylor, Thompson, Thornton, Townsend, White and Wingate—20.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Charity Todd.
2. An act to change the time of holding certain circuit courts, and for other purposes; and,
3. An act to amend the duelling laws,

Were severally read the second time. The first bill was laid on the table; the second was referred to a committee of Messrs. George, Campbell, Faulkner, Edwards and Summers; and the third was referred to a committee of Messrs. Maupin, Wingate, Stephens, Hardin, Wickliffe, Rudd and M'Connell.

A bill from the House of Representatives entitled, "an act to amend an act requiring certain duties of the clerks within this Commonwealth."

Was read the third time and committed to a committee of Messrs. Fleming, Wickliffe and Thompson.

A bill from the House of Representatives entitled, "an act to reduce the number of trustees of the New-Castle seminary to five," was read the third time as amended.

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

An engrossed bill entitled, "an act to declare the punishment of certain misdemeanors," was read the third time,

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and M'Connell, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Edwards, Faulkner, Fulton, George, Gibson, Green, Griffin, Harris, Hughes, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Rodman, Selby, Stephens, Summers, Taylor, Thornton, Townsend, Wall, Williams and Wingate—28.

NAYS—Messrs. Campbell, Cunningham, Hardin, Ray, Rudd, Thompson, White, Wickliffe and Wood—9.

*Resolved*, That the title of the said bill be as aforesaid.

A bill to amend the laws regulating conveyances, was read the second time and referred to the committee of courts of justice.

A bill from the House of Representatives, entitled, "an act further to regulate the wilderness and turnpike road," was committed to a committee of Messrs. Owsley, George, Faulkner and Miller.

A bill concerning the jurisdiction and duties of justices of the peace, was read the second time.

And then the Senate adjourned.

WEDNESDAY, JANUARY 6, 1830.

The Senate assembled.

Mr. Allen from the committee of Internal Improvements, made the following report, viz:

The committee on Internal Improvements have had, according to order, under consideration, a resolution to inquire into the expediency of appointing engineers to survey and mark the most practicable route for a road from the mouth of Big Sandy river to Frankfort, and devise the best plan to open the same, and came to the following resolution thereon:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Governor employ some suitable person or engineer to survey and mark the most practicable route for a road from the mouth of Big Sandy river to Frankfort, and to devise and recommend the best plan for opening and improving the same, and make report thereof to the next General Assembly.

Which was twice read and laid on the table.

A message was received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act for the benefit of the heirs of Benjamin Mason, dec'd.

An act for the benefit of the heirs of George Stipp, deceased, and of Mary Louisa Megowan.



An act to organize two fire companies in the town of Lexington, and for other purposes.

An act to authorize the surveyor of Logan county to transcribe certain books in his office.

An act for the benefit of the clerk of Cumberland county court.

An act for the benefit of the trustees of the Simpson county seminary.

An act allowing further time for the commissioners of the Smithland and Waidsoboro roads to make their reports; and,

An act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools.

Mr. Hardin from the committee of finance, to whom was referred, a bill to provide for the opening a road from Floyd court house to Little Sandy Salt works by way of Paintsville and Wood's ford on Blaine, reported the same without amendment.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title be amended by striking out "Wood's ford on Blaine," and inserting in lieu thereof "Swetmans."

Mr. Wingate from the committee of enrollments reported, that the committee had examined enrolled bills of the following titles, viz:

An act to give the sheriff of Grant further time to return his delinquent list.

An act for the benefit of the heirs of John Head; and,

An act for the benefit of the sheriffs of Breckenridge, Bracken, Lawrence and Bath counties.

And had found the same truly enrolled: and that the same had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto and they were delivered to the committee to be laid before the Governor for his approbation and signature.

Mr. Faulkner from the committee to whom was referred, a bill from the House of Representatives entitled, "an act further to regulate the wilderness and turnpike road," reported the same with an amendment.

Which was twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Wingate—A bill imposing a duty on sales at auction in the county of Franklin.

By Mr. Campbell—A bill to establish a State road from Smithland to Waidsboro; and,

By Mr. M'Connell—A bill to amend the law in relation to opening and repairing the public roads in certain counties.

Which bills were severally read the first time and ordered to be read a second time.

Mr. Campbell from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to change the time of holding certain circuit courts, and for other purposes," reported the same with an amendment,

Which was twice read, amended, and concurred in, and said bill ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Williams—A bill to authorize the Commonwealth to prosecute writs of error in certain cases; and,

On the motion of Mr. Campbell—A bill to declare the Bayou de Chien and Obion, in the county of Hickman, navigable streams.

And Messrs. Williams, M'Millan and M'Connell were appointed a committee to prepare and bring in the former; and Messrs. Campbell, Townsend and Summers the latter bill.

A bill increasing the jurisdiction and duties of justices of the peace, was taken up, and Mr. Hardin moved to strike out the first section of the said bill after the enacting clause. Said section is as follows:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, justices of the peace within this Commonwealth, shall have jurisdiction in their respective counties of all sums not exceeding one hundred dollars upon any note, bond or obligation in writing, for the direct payment of money or Bank paper, and the circuit courts shall have concurrent jurisdiction with said justices of the peace in all cases where the demand shall exceed twenty dollars, exclusive of interest.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Ray, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, George, Green, Hardin, Harris, Hughes, Maupin, Miller, Rudd, Summers, Taylor, Thornton, Wall and Wingate—16.

NAYS—Messrs. Brown, Cunningham, Edwards, Faulkner,

Gibson, Griffin, M'Millan, M'Connell, Owsley, Payne, Ray, Rodman, Selby, Townsend, White, Williams and Wood—17.

The said bill was then laid on the table.

A bill from the House of Representatives entitled, "an act authorizing the sheriff of Wayne county to be qualified at the March term;"

Was read the second time and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill for the benefit of Thomas T. G. Waring, was read the second time and ordered to be engrossed and read a third time to-morrow.

Bills from the House of Representatives of the following titles, were severally read the first time, and ordered to be read a second time, viz:

1. An act to establish the towns of Floydsburg, Brownsboro and Paducah, and for other purposes.
2. An act to divorce Judah Varner from her husband John Varner.
3. An act further to regulate the Bank of Kentucky.
4. An act for the benefit of James Breathitt.
5. An act to establish seminaries of learning in the counties of Calloway, Graves, Hickman, M'Cracken and Hancock.
6. An act for the benefit of Thomas Vaughn and others.
7. An act to add a part of the county of Cumberland to the county of Monroe.
8. An act to divorce Agnes Street from her husband John Street, and John Cochran and Catharine Cochran.
9. An act to legalize the proceedings of the circuit and county courts of Hancock county.
10. An act for the benefit of Abram Smith.
11. An act for the benefit of Sarah Mitcherson and others.
12. An act for the benefit of the shareholders in the Louisville Insurance Company.
13. An act to amend the penal laws.
14. An act for the benefit of Richard Taylor and others.
15. An act for the benefit of Polly Flowers.
16. An act for the benefit of Foster's devisees.
17. An act for the benefit of Thomas I. Young; and,
18. An act authorizing the insertion of advertisements in the Spy and Religious and Litertary Intelligencer.

The rule of the Senate, constitutional provision and second reading of the 2d, 3d, 4th, 5th, 8th, 9th, 11th, 13th, 14th and 15th bills having been dispensed with, they were severally committed; the 2d, 8th and 15th to the committee of religion; the 3d, 4th 5th and 11th to the committee of finance; the 9th to a committee



of Messrs. Maupin, Green and Harris, and the 13th and 14th to the committee of courts of justice.

The rule of the Senate, constitutional provision and second and third readings of the 1st, 6th, 10th, 12th, 16th and 18th bills having been dispensed with, and the 10th being amended.

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill entitled, an act for the benefit of Mary Cale, was read the third time,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill entitled, an act to amend the law concerning constables, was read the third time as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any constable shall purchase any judgment or judgments, execution or executions, in his hands for collection, against any defendant, or by any other person for his benefit shall purchase the same, or shall levy or collect the same so purchased by himself or any other constable for him; or shall take any bond, note, or any other obligation from the defendant in lieu of the money for more than the principal, costs and legal interest, or shall ask, demand, or receive any interest more than legal interest on any such judgment or execution, or shall loan to the defendant directly or indirectly, any money to discharge said judgment or execution for more than legal interest, or who shall fail or refuse to return any execution to the office of the magistrate from which it issued, (of his county,) within twenty days after the return day thereof, shall be removed from office by the county court of the county in which such constable resides, he having received ten days' previous notice of such application to remove, and shall be fined by said court in any sum not exceeding twenty dollars.

Sec. 2. *Be it further enacted*, That it shall be the duty of the attorney for the county to attend to the application for the removal of constables for violations of this act, or any other acts in relation to constables; and if any constable shall be convicted of the violation of this act or of any other law now in force, and shall be removed therefor, the court shall enter judgment for costs against such constable, and shall tax in the bill of costs two dollars and fifty cents, as a fee for the attorney for the county.

Sec. 3. *Be it further enacted*, that constables hereafter shall be authorized to charge and receive for their services the following fees and no more, to-wit: for serving a warrant for debt, twenty-five cents; levying an execution, twenty-five cents; taking a replevin or forthcoming bond, twenty-five cents; summoning witnesses in any case, twelve and an half cents each; serving a peace warrant, twenty-five cents; serving a search warrant, fifty cents; levying an attachment, twenty-five cents; apprehending a

person upon a charge of felony, one dollar; summoning a garnishee, twenty-five cents; carrying a criminal to jail, each mile, going and returning, four cents; for collecting fee bills, ten per centum; whipping a slave by order of a justice of the peace, to be paid by the owner, twenty-five cents; summoning a jury on trials for riots, routs and unlawful assemblies, or on any criminal case, or in any civil case, fifty cents each; serving a notice, twenty-five cents; upon the amount of money in any execution, they shall be entitled to five per cent. commission and no more, and where the debt is replevied or delivery bond taken, one half of the above commission.

Sec. 4. *Be it further enacted.* That the county court of Green county shall, at their next July term, or at some term as soon thereafter as may be, lay off said county into any number of districts not exceeding four, and appoint one constable in each district and no more. The said county court of Green shall take bond and security of the constables so appointed, and administer to them the oaths required by the laws now in force: Provided, however, that the town of Greensburg shall compose one other constable's district, and one constable shall be appointed therein, and no more, who shall reside in said town.

And the question being taken on the passage of the said bill, it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Maupin and Hardin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Faulkner, Griffith, Hardin, Harris, Hughes, Maupin, Ray, Rodman, Selby, Summers, Wall, Williams, Wingate and Wood—16.

NAYS—Messrs. Brown, Cunningham, Edwards, Fleming, Fulton, George, Gibson, M'Millan, M'Connell, Miller, Owsley, Payne, Rudd, Stephens, Taylor, Thornton, Townsend and White—19.

A bill to amend the forfeiture law in relation to actual settlers, was read the second time, and committed to the committee of courts of justice.

The Speaker laid before the Senate the following communication, viz:

*Bank of Kentucky, January 6, 1830.*

SIR:

In compliance with the law, I have the honor to inform the Senate, that the Stockholders in the Bank of Kentucky, have, on their part, selected Messrs. John Brown and Jacob Swigert Directors for the present year.

With great respect,

Your most ob't. serv't.

P. DUDLEY, *President.*

HON. JOHN BREATHITT, *Speaker of the Senate.*

Joint resolutions from the House of Representatives, on the subject of the Sunday mail, were twice read, and referred to a

committee of Messrs. Hardin, Wickliffe, Green, Edwards and Allen.

A bill from the House of Representatives, entitled "an act for the benefit of Peggy Gillock," was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to regulate the fees of the clerk of the court of appeals, and other clerks, was read the second time and referred to the committee of courts of justice.

And then the Senate adjourned.

#### THURSDAY, JANUARY 7, 1830.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act to establish an election precinct in the county of Fleming, and for other purposes.

An act allowing additional justices of the peace and constables to certain counties.

An act for the benefit of James Ferguson; and,

An act for the benefit of Thomas Lewis and Minerva Laswell.

Mr. Wingate, from the joint committee of enrollments, reported that the committee had examined an enrolled bill which originated in the House of Representatives entitled, "an act to allow the Independent Banks in this Commonwealth further time to settle their concerns,"

And had found said bill truly enrolled, and that the same had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and the said bill was delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported, that the committee had performed that duty.

A message was received from the Governor, by Mr. Crittenden, Secretary of State, informing the Senate that the Governor did, on yesterday, approve and sign enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the sheriffs of Breckenridge, Bracken, Lawrence and Bath counties; and,

An act for the benefit of the heirs of John Head.

And a message in writing was also received from the Governor.

Mr. M'Connell from the committee of courts of justice, to whom was referred, a bill from the House of Representatives entitled "an act to incorporate the Louisville Mutual Fire Insurance Company," reported the same with amendments,

Which were twice read and concurred in.



*Ordered*, That the said bill, as amended, be read a third time.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to authorize the opening of a State road from Prince's ferry to the Tennessee line, in the direction to Dover.

An act to give to the sheriff of Grant further time to return his delinquent list; and,

An act to allow the Independent Banks in this Commonwealth further time to settle their concerns.

Mr. McConnell from the committee of courts of justice to whom was referred, a bill to regulate the fees of the clerk of the Court of Appeals and other clerks, reported the same with amendments, which were twice read.

One of the said amendments proposes to strike out the sixth section of the said bill, which is as follows, viz:

Sec. 6. *Be it further enacted*, That neither the clerk of the Court of Appeals nor clerk of the General Court, or the clerks of the several circuit courts in this Commonwealth, shall charge for any order for continuing of a cause, more than twenty-five cents; and whenever the court shall not go through the docket, and the remaining causes shall be continued, it shall be the duty of the clerk to continue the remaining causes by a general order for which no fee shall be charged.

And to insert in lieu of the said section the following, viz:

And whereas it is represented, that clerks in some instances charge for an order of continuance, and again charge for the same continuance, and charge for filing the declaration, plea or other part of the pleadings, and again charge for the order, noting such pleadings on the order book; and in other instances split up and divide services, for which the law expressly declares that but one charge shall be made, and thereby fraudulently make two or more charges; and furthermore, that some clerks charge twice for the same services, to the great annoyance and oppression of litigants: Therefore.

*Be it further enacted*, That all such acts in any clerk, whether of the Court of Appeals, General Court, Circuit Court or County Court, shall be considered as high misdemeanors, and in addition to the remedies now given by law, any clerk who shall be guilty thereof, shall be liable to indictment therefor, and to be fined in any sum not exceeding twenty dollars, for each and every such act, and to be committed to jail until he shall pay such fine, and shall be liable to be removed from office therefor; and the record of his conviction in the circuit court shall be *prima facie* evidence of his guilt in any proceeding in the Court of Appeals, to remove him from office.

The said amendment was amended by striking out these words,

"and to be fined any sum not exceeding twenty dollars for each and every such act, and to be committed to jail until he shall pay such fine," printed in italics.

Mr. Thornton moved to amend the said amendment by striking out the residue of it, after the aforesaid words.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McConnell and Ray, were as follows, viz.

YEAS—Messrs. Brown, Campbell, Edwards, Hardin, Maupin, Rudd, Summers, Thornton and White—9.

NAYS—Messrs. Allen, Barrett, Cunningham, Faulkner, Fleming, George, Gibson, Green, Griffin, Harris, Hughes, M'Millan, McConnell, Miller, Owsley, Payne, Ray, Rodman, Selby, Stephens, Taylor, Townsend, Wall, Wickliffe, Williams, Wingate and Wood—27.

The question was then taken on concurring in the said amendment proposed by the committee, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Ray, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cunningham, Faulkner, Fleming, George, Gibson, Green, Griffin, Harris, Hughes, M'Millan, McConnell, Miller, Owsley, Payne, Ray, Rodman, Selby, Stephens, Taylor, Townsend, Wall, Wickliffe, Williams, Wingate and Wood—27.

NAYS—Messrs. Brown, Campbell, Edwards, Hardin, Maupin, Rudd, Summers, Thornton and White—9.

The other amendments were amended and concurred in.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the committee of finance, to whom was referred, a bill to remove the obstructions to the navigation of Rough creek and Pond river, reported the same without amendment.

*Ordered*, That the said bill be engrossed and read a third time to-morrow.

Mr. McConnell from the committee of courts of justice, reported a bill for the benefit of John Radford's heirs,

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act to establish an election precinct in the county of Fleming, and for other purposes," was taken up.

The rule of the Senate, constitutional provision and first and second readings having been dispensed with, it was committed to a committee of Messrs. Fleming, M'Connell and Thornton.

Mr. Maupin from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to legalize the proceedings of the circuit and county courts of Hancock county," reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading thereof having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Williams—1. A bill to authorize the Commonwealth to prosecute writs of error in certain cases.

By Mr. Rudd—2. A bill allowing additional constables to Washington and Owen counties; and,

By Mr. Campbell—3. A bill to declare the Bayou de Chien Obion and Mayfield's creeks navigable streams.

Which bills were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the first bill having been dispensed with, it was referred to the committee of courts of justice.

The rule of the Senate, constitutional provision and second and third readings of the second and third bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Maupin read and laid on the table the following resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Governor be, and he is hereby requested to procure the artillery company of Frankfort to fire a national salute on Friday, the 8th of January at sun rise, in commemoration of our glorious victory at New Orleans.

Mr. Maupin moved to dispense with the rule requiring joint resolutions to lie on the table one day.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Taylor and Fleming, were as follows, viz:



YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Fulton, George, Green, Griffin, Hardin, Harris, Hughes, Maupin, M'Connell, Ray, Rodman, Rudd, Selby, Stephens, Summers, Thompson, Wall, Wingate and Wood—25.

NAYS—Messrs. Faulkner, Fleming, Gibson, M'Millan, Miller, Owsley, Payne, Taylor, Thornton, Townsend, White, Wickhiffe and Williams—13.

The question was then taken on adopting the said resolution, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and M'Connell, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Rudd, Selby, Stephens, Wall, Wingate and Wood—17.

NAYS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, Hardin, M'Millan, M'Connell, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickhiffe and Williams—20.

And then the Senate adjourned.

#### FRIDAY, JANUARY 8, 1830.

The Senate assembled.

1. Mr. Harris presented the petition of sundry citizens of Pike county, praying that a law may pass, requiring the county court of Floyd county to pay to the county court of Pike, the amount of levies collected by the sheriff of Floyd from the citizens of Pike contrary to law.

2. Mr. Thompson presented the petition of sundry citizens of the town of Lucto and its neighborhood, in Mercer county, praying that a law may pass, authorizing the appointment of a justice of the peace to reside in said town.

3. Mr. Allen presented the petition of Kitty B. Gray, praying that a law may pass, authorizing the sale of a house and lot in the town of Greensburg, (which was mortgaged to the Bank of the Commonwealth, by her late husband, and in which she is entitled to her dower,) for the benefit of herself and said Bank.

4. Mr. Owsley presented the petition of sundry citizens, praying that a law may pass, allowing sheriffs pay for attending elections in election precincts, and guards pay for guarding criminals during their trial.

5. Mr. M'Connell presented the petition of John M. Foster, Register of the land office, praying that provision may be made by law, for paying him for certain services, which he has performed.

6. And Mr. Owsley presented the petition of sundry citizens of

Lincoln county, praying that a law may pass, extending the Turnpike and Wilderness road to the Crab Orchard in said county.

Which petitions were severally received, read and referred, the first to the committee of courts of justice; the second to the committee of propositions and grievances: the third to a committee of Messrs. Allen, Hardin and Selby; the fourth to a committee of Messrs. Owsley, Williams and Faulkner; the fifth to the committee of finance; and the sixth to a committee of Messrs. Owsley, George, Faulkner and Miller.

Mr. Wickliffe, from the committee of courts of justice, reported a bill to amend the several acts against unlawful gaming.

Which was read the first time and ordered to be read a second time.

*Ordered*, That the public printer print one hundred and fifty copies of said bill for the use of the General Assembly.

Mr. Wickliffe, from the same committee, to whom was referred a bill to authorize the Commonwealth to prosecute writs of error in certain cases, reported the same with an amendment.

Which was twice read and concurred in.

*Ordered*, That the said bill be engrossed and read a third time to morrow.

Mr. Hardin, from the committee of finance, made the following report, viz:

The committee of finance, have, according to order, had under consideration, the petition of John Hanna, praying compensation for apprehending and keeping James Fowler, of Hickman county, charged with murder, and have come to the following resolution thereon, viz:

*Resolved*, That the said petition *be rejected*.

Which was twice read and concurred in.

Mr. Fleming, from the committee, to whom was referred bills from the house of Representatives of the following titles, viz:

An act to establish an election precinct in the county of Fleming, and for other purposes; and

An act to amend an act requiring certain duties of the clerks within this Commonwealth; reported the same, with amendments to each.

Which were twice read and concurred in.

*Ordered*, That the said bills, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House, of the following titles, viz:

An act for the benefit of Wayne and Russell counties.

An act to provide for the erection of a bridge across Kentucky river, near the mouth of Benson.

An act to establish a State road from Berry's ferry, on the Ohio river, to Salem, and from Madisonville to Salem.

An act to amend the several acts, incorporating the Louisville Turnpike Company, and for other purposes.

An act to incorporate a company to erect a bridge across Licking river, between the towns of Newport and Covington.

An act to amend civil proceedings.

An act to amend and regulate the action of replevin.

An act for the benefit of the heirs of Stephen Thompson Mason, deceased.

An act requiring Salt-works to be enclosed; and

An act appropriating certain vacant lands to the improvement of the public roads in the counties of Russell, Monroe, Allen and Cumberland.

And that they had concurred in amendments proposed by the Senate, to bills which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Abraham Smith.

An act further to regulate the Wilderness and Turnpike road.

An act to reduce the number of Trustees of the New-Castle Seminary to five.

An act for the benefit of Mary Pedigo.

An act to amend the laws defining the powers of the Trustees of the town of Newport.

An act to organize a Fire Company in the town of Russellville.

An act to change the time of holding courts in certain counties, and for other purposes.

An act to change the place of voting in an election precinct in Hardin county, from John Buckle's to Stephen Southern's, and for other purposes; and

An act to allow additional justices of the peace and constables to certain counties.

Mr. Maupin, from the committee, to whom was referred a bill from the House of Representatives, entitled "an act to amend the duelling laws," reported the same without amendment.

Mr. McConnell moved to amend the said bill by substituting therefor, the following, viz:

That every person who shall, after the taking effect of this act, give, accept, or knowingly carry a challenge to any person, or persons, to fight in single combat, or otherwise, with any deadly weapon, either in or out of this State, and every person who shall act as second, or surgeon, to any person fighting in single combat with any deadly weapon as aforesaid, shall be for ever thereafter deprived of the right of suffrage; and any person who shall, having so forfeited his right of suffrage, vote at any election for Govern-



or, Lieutenant Governor, member of Congress, Electors of President or Vice President, Member or Senator in the Legislature of Kentucky, shall be liable to the same penalties, recoverable in the same manner, as is now prescribed by law in cases of persons who do not reside in this State, voting at either of the elections aforesaid.

This act shall be in force from and after the first day of June next.

Mr. Brown moved to amend the said amendment by adding thereto the following words, viz: "and that the act more effectually to suppress the practice of duelling, approved the      day of      shall be and the same is hereby repealed."

And the question being taken on adopting the said amendment proposed by Mr. Brown, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Wingate, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Fulton, George, Gibson, Green, Griffin, Harris, Hughes, Maupin, Miller, Ray, Rodman, Rudd, Stephens, Thompson, Wall, Wingate and Wood—21.

NAYS—Messrs. Cunningham, Edwards, Faulkner, Fleming, Hardin, M'Millan, M'Connell, Owsley, Payne, Selby, Summers, Taylor, Thornton, Townsend, White, Wickliffe and Williams—17.

Mr. Wickliffe moved further to amend the said amendment by adding thereto the following, viz:

"In addition to the penalties already provided against duelling: *Be it enacted*, That the giving, or carrying, or accepting a challenge to fight a duel, shall be a high misdemeanor, and every person who shall be guilty of knowingly giving, or carrying, or accepting a challenge to fight a duel with any deadly weapon, shall be incapable of exercising the right of suffrage, or holding the office of attorney or counsellor at law, or any office of trust or profit under this Commonwealth whatever."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Faulkner, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Edwards, Faulkner, M'Millan, M'Connell, Miller, Owsley, Payne, Selby, Stephens, Summers, Taylor, Thornton, Townsend, White, Wickliffe, Williams and Wood—19.

NAYS—Messrs. Allen, Barrett, Campbell, Fleming, Fulton, George, Gibson, Green, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Rudd, Thompson, Wall and Wingate—18.

Mr. Wood, who voted in the majority, moved a reconsideration of the last vote.

When Mr. Hardin moved to lay the said bill and amendments on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and M'Connell, were as follows, viz:

YEAS—Messrs. Edwards, Faulkner, Hardin, M'Millan, M'Connell, Owsley, Payne, Selby, Summers, Taylor, Thornton, Townsend, White, Wickliffe and Williams—15.

NAYS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Fleming, Fulton, George, Gibson, Green, Griffin, Harris, Hughes, Maupin, Miller, Ray, Rodman, Rudd, Stephens, Thompson, Wall, Wingate and Wood—23.

The question was then taken on the motion of Mr. Wood, and it was decided in the affirmative.

Mr. Wickliffe, with the leave of the Senate, withdrew the said amendment proposed by him.

On the motion of Mr. Wingate—

The vote by which the amendment proposed by Mr. Brown was adopted, was reconsidered, and Mr. M'Connell, with the leave of the Senate, withdrew the amendment proposed by him.

The question was then taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Wingate, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Cunningham, Fleming, Fulton, George, Gibson, Green, Griffin, Harris, Hughes, Maupin, Miller, Ray, Rodman, Rudd, Stephens, Thompson, Wall, Wingate and Wood—22.

NAYS—Messrs. Campbell, Edwards, Faulkner, Hardin, M'Millan, M'Connell, Owsley, Payne, Selby, Summers, Taylor, Thornton, Townsend, White, Wickliffe and Williams—16.

At fifteen minutes past twelve o'clock, meridian, Mr. Maupin moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Townsend and Wickliffe, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Edwards, Fleming, Fulton, George, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Rudd, Selby, Summers, Thompson, Wall, White, Wingate and Wood—22.

NAYS—Messrs. Cunningham, Faulkner, Gibson, Green, Hardin, M'Millan, M'Connell, Miller, Owsley, Payne, Stephens, Taylor, Thornton, Townsend, Wickliffe and Williams—16.

SATURDAY, JANUARY 9, 1830.

The Senate assembled.

Mr. Wickliffe presented the petition of sundry stockholders in the Louisville Insurance Company, praying that the General Assembly may not pass a law to dissolve that institution.

Which was received, read and referred to the committee of courts of justice.

On the motion of Mr. Wickliffe—

*Ordered*, That a message be sent to the House of Representatives, requesting leave to withdraw the report of a bill from that house, which passed the Senate on the sixth instant entitled, "an act for the benefit of the share-holders in the Louisville Insurance Company."

After a short time the said bill was returned to the Senate.

On the motion of Mr. Wickliffe, who voted in the majority, the vote by which the said bill was passed, was reconsidered, and the said bill was committed to the committee of courts of justice.

A bill to repeal all laws allowing corporations or bodies politic to issue licences for the sale of Lottery tickets, and for other purposes,

Was read the second time and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

Engrossed bills of the following titles, viz:

An act to amend the law in relation to taking depositions; and,

An act concerning the General Court,

Were each read a third time. The former bill was committed to a committee of Messrs. Hardin, Harris and Thornton.

And the question being taken on the passage of the latter bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Selby and Cunningham, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Faulkner, George, Gibson, Green, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—20.

NAYS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Hardin, Harris, Hughes, Maupin, Rodman, Rudd, Selby, Stephens and Wood—15.

*Resolved*, That the title of the said bill be as aforesaid.

Bills of the following titles, viz:

1. A bill imposing a duty on sales at auction in the county of Franklin.



2. A bill to establish a State road from Smithland to Waidsboro; and,

3. A bill to amend the law in relation to opening and repairing the public roads in certain counties,

Were severally read the second time. The first and second bills were ordered to be engrossed and read a third time on Monday next, and the third bill was committed to a committee of Messrs. Taylor, M'Connell, Hughes and Thornton.

An engrossed bill entitled, an act for the benefit of Thomas T. G. Waring, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act to add a part of the county of Cumberland to the county of Monroe; and,

An act for the benefit of Thomas I. Young.

Were each read the second time and ordered to be read a third time.

Bills from the House of Representatives of the following titles, viz:

1. An act to organize two fire companies in the town of Lexington, and for other purposes.

2. An act for the benefit of the trustees of the Simpson county seminary.

3. An act for the benefit of the heirs of Benjamin Mason, deceased.

4. An act for the benefit of the heirs of George Stepp, dec'd. and of Mary Louisa Megowan.

5. An act to authorize the surveyor of Logan county to transcribe certain books in his office.

6. An act for the benefit of the clerk of Cumberland county court.

7. An act allowing further time for the commissioners of the Smithland and Waidsboro roads to make their report; and,

8. An act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools.

Were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the 3d, 4th, 5th, and 8th, bills having been dispensed with, they were severally committed; the third to a committee of Messrs. Faulkner, M'Connell and Hardin; the fourth to a committee of Messrs. Thornton, M'Connell and Wickliffe; the fifth to the committee of finance; and the eighth to the committee of the whole house for Wednesday next.

The rule of the Senate, constitutional provision and second

and third readings of the first, second, sixth and seventh bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That the public printer print fifty copies of the eighth bill for the use of the Senate.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act allowing additional justices of the peace [to certain counties.

An act to incorporate the Green and Barren river navigation company.

An act to change the time of holding the Edmonson county court, and for other purposes.

An act to appropriate certain vacant lands in this Commonwealth, to the use of the Mountsterling seminary.

An act to amend the laws in relation to the trustees of towns, and for other purposes.

An act to authorize the people of Oldham county to select by vote a scite for the seat of justice.

An act for the benefit of the public schools in the city of Louisville.

An act to appropriate some of the vacant land in Casey, Wayne and Russell counties, to improve the roads in said counties.

An act for the benefit of witnesses, clerks, sheriffs and other officers.

And that they had adopted a preamble and resolution upon the subject of wharfrage, exacted by certain counties on the Mississippi river.

And that they had concurred in the amendments proposed by the Senate to a bill which originated in that house entitled, "an act to amend an act requiring certain duties of the clerks within this Commonwealth."

A bill from the House of Representatives, entitled "an act allowing additional justices of the peace and constables to certain counties,"

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was amended,

And Mr. Maupin moved further to amend the same by adding thereto the following section, viz:

*Be it further enacted*, That one additional justice of the peace be allowed to the county of Barren, *who shall keep his office in the neighborhood of Capt. John King*, and that one additional constable be allowed to said county, who is to reside in the same neighborhood.

Mr. Wickliffe moved to amend the said amendment by striking out the words, "*who shall keep his office in the neighborhood of Capt. John King.*"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and M'Connell, were as follows, viz:

YEAS—Messrs. Allen, Brown, Edwards, Faulkner, George, Gibson, Green, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Summers, Townsend, White, Wickliffe, Williams, Wingate and Wood—21.

NAYS—Messrs. Fulton, Griffin, Hardin, Harris, Hughes, Maupin, Rudd, Selby, Stephens and Taylor—10.

Mr. Maupin, with the leave of the Senate, withdrew his amendment.

And then the Senate adjourned.

#### MONDAY, JANUARY 11, 1830.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills which originated in that house of the following titles, viz:

An act for the benefit of Charles H. Webb.

An act for the benefit of Jane Wright Latty and Nancy Davis Latty.

An act to enlarge the powers of the county courts as to constables' districts within their counties.

An act for the benefit of John Ferguson of Muhlenberg county.

An act to amend the act entitled, "an act to review a part of the State road leading from Franklin to Owenborough," approved, January 7, 1829; and,

An act to amend the act extending the limits of the town of Versailles.

That they had concurred in the amendments proposed by the Senate, to a bill which originated in that House entitled, "an act to change the time of holding circuit courts, and for other purposes," with amendments;

And that they had passed bills which originated in the Senate, of the following titles, viz:

An act to authorize the the insertion of advertisements in the Winchester Republican, published in Winchester.

An act for the benefit of Anner Taylor.

An act to allow an additional justice of the peace and constable for Garrard county.

An act to authorize the county court of Owen county to sell and convey the lot of ground on which the old jail stands.



An act to incorporate the trustees of the Union Meeting House in Warren county.

An act for the benefit of John Cottrel and others.

An act to incorporate the Union Meeting House in Logan county and of the Union Meeting House in Russellville.

An act to legalize the proceedings of the court of assessment in the 3d regiment of Kentucky militia.

An act for the benefit of Phebe Barnes and children.

An act for the benefit of Henry Waddle.

An act for the benefit of the heirs of George Walters, deceased.

An act for the benefit of the widow and heirs of Benjamin Mason, deceased.

An act to change a part of the State road in Morgan county.

An act for the benefit of Mary Cale.

An act to declare the Bayou de Chien, Obion and Mayfields creeks navigable streams; and,

An act allowing additional constables to Washington and Owen counties.

And that they had adopted resolutions from the Senate of the following titles, viz:

A resolution to appoint committees to examine the public offices; and,

A resolution fixing a day to elect public officers;

With an amendment to the latter resolution.

Mr. Hardin from the committee of finance, to whom was referred, a resolution from the House of Representatives directing the President and Directors of the Bank of Kentucky to pay to John D. Hay, a certain sum of money, made the following report thereon, viz:

The committee of finance has had under consideration a joint resolution from the House of Representatives directing the President and Directors of the Bank of Kentucky, to pay to John D. Hay the same proportion of \$3,100 that the interest of the State in said Bank bears to the whole amount of stock, and report thereon:

The petition of Mr. Hay alleges that on the 21st of January, 1814, his house in Vincennes and store, were consumed by fire; that he had on hand \$3,100 in notes on the Bank of Kentucky, which, with a large amount of other property, were destroyed by the conflagration, and prays the Legislature to afford him relief.

The evidence of the petitioner of a competent character, proves the destruction of the house and store as stated, and the further afflicting loss of the three infant children of Mr. Hay, also, that Mr. Hay was, at the time, a merchant of high standing and great respectability; that Kentucky paper was, at that time, very plenty in Vincennes, and that Mr. Hay was in the habit of dealing in it; there is no proof besides the affidavit of the petitioner, that he then had any Kentucky paper on hand, and that the same

was destroyed by fire; the opinion of persons that he had, seems to be predicated upon the statements of Mr. Hay. It is further in proof, that he has made, at different times, application to the Bank for payment, which has been refused. The first question presented for the consideration of the committee, is the affidavit of the petitioner admissible and competent evidence? The committee are unanimous in the opinion it is not. That this is the settled law of the land, none can doubt for a moment.

The next question is, shall that rule of law be violated in this particular case. The committee are of opinion it ought not. What is to distinguish this from any other case, when a person of good credit swears to the loss of Kentucky or Commonwealth's Bank paper? The committee can perceive nothing. The misfortunes of Mr. Hay, although they may awaken and enlist our sympathies, add very little to the strength of his claim over any other, that depends solely upon the oath of the applicant. If Mr. Hay has lost the paper, our courts of justice are open to him, and why does he not go there? The reason is obvious; he has no proof that would be received in court, because no court will permit a man to swear in his own case, nor ought the Legislature to hold out such a temptation to the consciences of men.

If this claim should be paid, do we not make proclamation to the world, come and swear to the loss of either Kentucky or Commonwealth's paper, and you shall be paid, as long at least as any paper of those banks shall appear to be out. The precedent is too dangerous a one to be set.

The committee have felt some embarrassment from this further consideration; the resolution obviously appropriates the money of the State. Whether that money be in a Bank of the State, or in the Treasury, makes no material difference; and by the constitution, the money of the State can only be appropriated by law, and to give any act or resolution the force of a law, it must be read on three several days, or the reading dispensed with, which was not done in the present instance.

The committee submit the following resolutions:

*Resolved*, That the petition of John D. Hay, *be rejected*.

*Resolved*, That the resolution lie on the table until next June.

Which was twice read and laid on the table.

Mr. Hardin from the committee to whom was referred, an engrossed bill entitled, an act to amend the law in relation to taking depositions, reported the same with an amendment, which was twice read.

Mr. Maupin moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and McConnell, were as follows, viz.

YEAS—Messrs. Edwards, Faulkner, Griffin, Maupin, Rudd, Selby and Taylor—7.

NAYS—Messrs. Barrett, Brown, Campbell, Cunningham, Fulton, George, Green, Hardin, Harris, Hughes, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Stephens, Summers, Thompson, Thornton, Townsend, White, Wickliffe, Williams, Wingate and Wood—27.

On the motion of Mr. Hardin—

Leave was given the committee to withdraw the said report.

Mr. Wingate from the committee of enrollments reported, that the committee had examined enrolled bills of the following titles, viz:

An act to organize a fire company in the town of Russellville.

An act for the benefit of Mary Pedigo.

An act to reduce the number of trustees of the New-Castle seminary to five.

An act authorizing the insertion of advertisements in the Spy and Religious and Literary Intelligencer.

An act authorizing the sheriff of Wayne county to be qualified at their March term.

An act for the benefit of Peggy Gillock.

An act for the benefit of Thomas Vaughn and others.

An act for the benefit of Fosters devisees.

An act further to regulate the wilderness and turnpike road.

An act to establish the towns of Floydsburg, Brownsboro and Paducah and for other purposes.

An act to allow additional justices of the peace and constables to certain counties.

An act to change the time of holding courts in certain counties.

An act to change the place of voting in an election precinct in Hardin county, from John Buckle's to Stephen Southern's and for other purposes.

An act for the benefit of Abraham Smith.

An act to legalize the proceedings of the circuit and county courts of Hancock county.

And had found the same truly enrolled: that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

Mr. Taylor from the committee to whom was referred, a bill to amend the law in relation to opening and repairing the public roads in certain counties, reported the same with amendments.

Which were twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time.



The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the committee to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of the heirs of Benjamin Mason, deceased," reported the same with amendments,

Which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Green—1. A bill for the benefit of the heirs of James Jennings, deceased.

On the motion of Mr. Hardin—2. A bill to alter the time of holding certain courts.

On the motion of Mr. Stephens—3. A bill to authorize James Lindsey of Campbell county to remove his ferry; and,

On the motion of Mr. Fulton—4. A bill to organize a fire company in the town of Augusta.

Messrs. Green, Cunningham and Rudd were appointed a committee to prepare and bring in the first; Messrs. Hardin, Ray, Hughes, Rodman and Wingate the second; Messrs. Stephens, Gibson and M'Connell the third; and Messrs. Fulton, Wingate and Gibson the fourth.

Mr. M'Connell read and laid on the table the following resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That when they adjourn on Friday the 22d of this instant, they will adjourn without day.

Mr. M'Connell from the committee appointed for that purpose, reported a bill to improve the road from the mouth of Triplett's creek and from Lewis' mill on Fox's creek to the mouth of Big Sandy.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was referred to the committee of finance.

Mr. Fulton from the committee appointed for that purpose, reported a bill to organize a fire company in the town of Augusta.

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McConnell from the committee to whom was referred, a bill to amend the laws in relation to executors, administrators and guardians, and for other purposes, reported the same with an amendment,

Which was twice read and concurred in.

The said bill is as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever an executor or administrator, or any creditor or creditors of any deceased person's estate, shall be of opinion that the personal estate of such decedent will not be sufficient to pay the debts due from said estate, he, she, or they, may file a bill in chancery in the circuit court of the county where probate of the will was made, or administration granted, stating that fact, and thereupon the court shall make an order, calling upon all the creditors of said estate, and if the bill be filed by a creditor, then calling also upon the administrator or executor of said estate, to appear at the next term of the court, to interplead and set out and file their respective claims against said estate in the character of an answer, cross bill, or bill of interpleader, and a copy of said order shall be forthwith inserted in some authorized newspaper of this State, for at least eight weeks in regular succession, and at or before the next term, after the publication shall have been duly made, the said creditors and the executor or administrator, if he, or she shall have been made defendant, shall respond to said bill upon oath and set out his, her, or their respective claims or demands, and may, if they choose, contest the validity of the claims of any or all the other creditors, and if so contested, such claims shall be established by evidence, of the same character and extent that would be necessary to establish the same, in an appropriate suit at common law; and any party to such suit may call upon any, or all the other parties thereto, to answer on oath, any interrogatories that may be specifically propounded, and it shall be the duty of the court before which such suit may be depending, to make every order or rule necessary to a final and speedy determination of such suit.

Sec. 2. Upon the final hearing of the cause, the court shall decree in favor of each claimant, the amount which may be found due him from the exhibits or proofs in the cause against the executor or administrator of such estate, without regard to dignity or precedence, to be paid out of the assets in his hands and as they may fall or come, and shall also decree, if the estate so far as the same has then come to the hands of such executor or ad-

ministrator be insufficient to pay the amount of debts so decreed, that each creditor be paid a due and rateable proportion of the assets in his hands, according to the amount of each particular demand, so allowed, and the amount so decreed to each creditor, who has properly become a party to said suit, shall have the preference over all other debts against said estate, and be first paid by the executor or administrator.

Sec. 3. *Be it further enacted*, That upon the filing of said bill, the court shall make an order, restraining and enjoining all proceedings at law, for the recovery of any debt or damages against the executor or administrator of said estate, whether depending in that or any other court, or before any justice of the peace, mayor of the city, or other judicial tribunal, and also restraining and enjoining all further proceedings, upon any judgment or decree, heretofore had against such executor or administrator, for any debt, damages, or costs, until the suit between the creditors shall have been finally determined; and such restraining order shall be promptly obeyed by all who are properly informed of its existence.

Sec. 4. *Be it further enacted*, That if any executor or administrator shall fail to exhibit his bill, as in the first section of this act is provided, and if the estate shall be found insufficient to satisfy the debts so decreed, such executor, or administrator and his security or securities, shall be liable out of their own personal estate, for the deficiency of assets, to the extent that such deficiency was created by the payment of debts within six months after probate made, or administration granted, not so decreed, the court shall, upon a proper case made out, decree the same against them accordingly, in rateable proportions against the aforesaid creditors.

Sec. 5. *Be it further enacted*, That all creditors or claimants, who had commenced suits, either in that or any other court, or before any justice of the peace, or who had obtained judgment or decree, for any monies against the said executor or administrator, or against the said decedent in his lifetime, may, notwithstanding the injunction granted, assert such claim in the suit so brought, to settle the accounts against said estate, and a copy of any judgment or decree so obtained, with the certificate of the proper officer, that the same, or any part remains unsatisfied, so far as appears to him of record, shall be *prima facie* evidence of the amount and justice of such demand, without any other part of the record; and where any suit is depending and undetermined, and the proceedings therein shall have been enjoined as herein provided for, the plaintiff or complainant may, at his election, commence as a party to the suit, for settling the accounts anew, or he may file with his answer, cross bill or bill of interpleader, a copy of the record of the suit; and the evidence so far as therein contained, if legally taken, shall be read as evidence in that suit.



Sec. 6. *Be it further enacted*, That no answer, cross bill, or bill of interpleader shall be received after the time herein limited for filing the same, unless the person offering to file the same, shall at the same time, make oath or tender an affidavit that he or she did not know of the pendency of said bill at the time pointed out in the order of publication, and if a second term shall have passed after the term limited for pleading, then the applicant must make oath or tender an affidavit that he or she did not know of the pendency of said suit at the last term of the court next preceding the time, he or she offers his or her response, or he or she must by written affidavit, satisfy the court that he or she was prevented from pleading before, by some inevitable casualty.

Sec. 7. *Be it further enacted*, That for all services rendered by any clerk, in relation to any suit commenced or prosecuted under the provisions of this act, he shall only charge one half the amount of fees allowed by law, for similar services in any other case, and no attorney's fee shall be taxed unless specially ordered by the court, and the costs shall be apportioned amongst the different parties as the court shall direct, or if the court shall think it equitable and so direct, each party shall pay his own costs, and the printer or editor for inserting the order of publication aforesaid, and for certifying the same, shall be allowed the sum of two dollars and no more, for which he may issue his fee bill against the party complainant, which shall be collectable in the same manner as the fee bills of clerks or other officers.

Sec. 8. It shall be the duty of the county court of each county, at least once in each year, to settle with all the executors and administrators who have qualified in their courts respectively, and to direct any monies in their hands, coming to minors, to be paid over to the guardians of such minors, if any they have, and to keep a record of the same and enforce such orders by attachment, fine, or imprisonment, or both, and it shall be the express duty of the county authorities to see this section of this act duly enforced, and it shall also be the duty of said courts at least once in each year, to settle with all the guardians appointed by said court, and to require a specific statement of the amount of monies in their hands respectively, and the disposition that has been made of the same, and also the course by them pursued towards their wards respectively, in regard to their employment, their education and their future determinations as to both; which statement shall always be in writing and on oath: *Provided, however*, that any act herein required by any party to the suit may be done by attorney or agent, except answering interrogatories, and they may also be answered by attorney or agent where the whole matters in issue are within the knowledge of such agent, and not within the knowledge of the principal.

The question being taken on engrossing the said bill and read-

ing it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. M'Connell and Rudd, were as follows, viz:

YEAS—Messrs. Allen, Brown, Cunningham, Fulton, Green, Maupin, M'Connell, Payne, Rodman, Rudd, Selby, Stephens, Summers and Townsend—14.

NAYS—Messrs. Barrett, Campbell, Edwards, Faulkner, George, Hardin, Harris, Hughes, M'Millan, Miller, Owsley, Ray, Taylor, Thompson, Thornton, White, Wickliffe, Williams, Wingate and Wood—20.

The amendments proposed by the House of Representatives upon concurring in the amendments proposed by the Senate, to a bill from that House entitled, "an act to change the time of holding certain circuit courts and for other purposes,"

Were taken up, twice read and concurred in.

Mr. Wickliffe moved for leave to bring in a bill to authorize the trustees of the town of Lexington to borrow money, and for other purposes.

The motion presented on the said bill was referred to the committee of courts of justice.

And then the Senate adjourned.

## TUESDAY, JANUARY 12, 1830.

The Senate assembled.

Mr. Taylor presented the petition of sundry stockholders of the Bank of Kentucky, praying that the concerns of said Bank be speedily closed, and that the expenses be curtailed.

Mr. Summers presented the petition of sundry citizens of Trigg county, praying that the law prohibiting the county court of said county from establishing any ferry on Cumberland or Tennessee rivers, within one mile of any established ferry, may be repealed.

Which petitions were received, read and referred; the former to the committee of finance, and the latter to the committee of propositions and grievances.

Mr. Wickliffe from the committee of courts of justice, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Richard Taylor and others," reported the same with an amendment,

Which was twice read and concurred in.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe from the same committee, reported a bill to amend the several laws concerning the town of Lexington,

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act for the purpose of opening a road from Bell's, in Barren county, to the cross roads near the Simpson county line and the Tennessee State line.

An act to declare Big Caney a navigable stream, and for other purposes; and,

An act to amend an act entitled, "an act to incorporate the Kentucky and Ohio Bridge Company."

Mr. Wickliffe from the committee of courts of justice, to whom was referred a bill to amend the law in relation to the trial of the right of property, reported the same with an amendment.

The said bill is as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, when any sheriff or constable or other officer, shall summon a jury to try the right of property, it shall and may be lawful for such officer to call on some justice of the peace in the county where the jury may be summoned, whose duty it shall be to attend and swear said jury, to preside on said trial, preserve order and decide all points of law which may be referred to him.

The said amendment proposes to add to said bill the following section, viz:

*Be it further enacted*, That all laws which exonerates the sheriffs and other officers from liability, when the jury do not agree, and all laws which compel the sheriff or other officer to sell, when the jury disagree, be, and the same are hereby repealed; *Provided*, such officer shall be compelled to sell if the plaintiff will indemnify him.

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Selby and Taylor, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Cunningham, Edwards, Fulton, Green, Hardin, Harris, Hughes, Ray, Rodman, Rudd, Selby, Stephens, Summers, Wall and Wood—18.

NAYS—Messrs. Brown, Faulkner, George, Gibson, Griffin, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Taylor, Thompson, Thornton, Townsend, White and Wingate—17.



The question was then taken on engrossing the said bill, as amended, and reading it a third time, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Fulton and Wall, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Green, Hardin, Harris, Hughes, Ray, Rodman, Selby, Stephens, Summers, Wall and Wood—16.

NAYS—Messrs. Brown, Cunningham, Faulkner, George, Gibson, Griffin, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Rudd, Taylor, Thompson, Thornton, Townsend, White and Wingate—19.

Mr. Wingate, from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to amend the laws defining the powers of the trustees of the town of Newport; and,

An act to amend an act requiring certain duties of the clerks within this Commonwealth.

And had found the same truly enrolled, and that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported, that the committee had performed that duty.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of James Breathitt," reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act to establish seminaries of learning in the counties of Calloway, Graves, Hickman, M'Cracken and Hancock," reported the same with an amendment.

Mr. Wickliffe moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Campbell, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Faulkner, Fulton, George, Gibson, Griffin, Maupin, M'Millan, Miller, Owsley, Rudd, Taylor, Wickliffe and Wood—15.

NAYS—Messrs. Allen, Barrett, Campbell, Edwards, Green, Hardin, Harris, Hughes, M'Connell, Payne, Ray, Rodman, Selby, Stephens, Summers, Thompson, Thornton, Townsend, Wall, White and Wingate—21.

The said bill is as follows, viz.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That seminaries of learning shall be, and the same are hereby established in the counties of Calloway, Hickman, Graves and M'Cracken, to be governed by the laws of this Commonwealth, establishing county seminaries.

Sec. 2. *Be it further enacted*, That William Curd, Charles Meely, Charles Luin, Hugh M'Cracken, John Irvan, John Hodges and William Jones, senr. be, and they are hereby appointed trustees in the county of Calloway; and that John Anderson, John Sample, Joshua Shilton, Mathias Travis and Doctor Hubbard be, and they are hereby appointed trustees for the county of Graves; and that Tolby C. Gholston, Dempsey White, Samuel Gibson, Austin Tyler, Hugh Nelson and Tucker Williamson be, and they are hereby appointed trustees for the seminary hereby established in the county of Hickman; and that Braxton Small, John M'Elyea, Charles Ewel, Will. Sitsworth and Robert Fletcher be, and they are hereby appointed trustees of the seminary hereby established in the county of M'Cracken.

Sec. 3. *Be it further enacted*, That for the purpose of endowing said seminaries of learning hereby established, there shall be, and is hereby appropriated six thousand acres of any vacant and unappropriated laid to each of said seminaries.

Sec. 4. *Be it further enacted*, That the trustees hereby appointed in the above named counties, for the purposes aforesaid, shall have power to locate and enter, in the office of the receiver of public monies west of the Tennessee river, free from charge, the above mentioned quantity of land, and obtain his certificate for the same; and upon the production of said certificate to the Register of the Land office, he shall be, and is hereby authorized and directed to issue to said trustees, grants for said land so located and entered.

Sec. 5. *Be it further enacted*, That the six thousand acres of land appropriated as aforesaid, to each of said seminaries, shall be located in their respective counties.

Sec. 6. *Be it further enacted*, That a seminary of learning be, and the same is hereby established in the county of Hancock, that Nathaniel Maxey, John Sterrett, William Adams, John Gates and Samuel C. Jennings be, and they are hereby appointed trustees of said seminary.

Sec. 7. *Be it further enacted*, That the trustees appointed as aforesaid, for the seminary in the county of Hancock, shall have power to locate and enter, two thousand acres of land, in the office of the receiver of public money west of the Tennessee

river, free of charge, and receive his certificate for the same; and upon the production of the said certificate to the Register of the Land office, he is hereby directed to issue to said trustees, a grant or grants for said land so located and entered.

Sec. 8. *Be it further enacted*, That it shall be the duty of said trustees to sell and dispose of the said two thousand acres of land within five years from the passage of this act, and on their failure so to do, the said land or so much thereof as shall be unsold at the expiration of the time aforesaid, shall be forfeited to the Commonwealth, and the right and title of the said trustees shall be forever determined: *Provided, however*, That the land hereby authorized to be located, shall not interfere with the claim of any actual title.

The said amendment proposes to strike out the three last sections of said bill.

And the question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Green and Payne, were as follows, viz:

YEAS—Messrs. Campbell, Edwards, Faulkner, George, Hardin, Maupin, M'Millan, M'Connell, Owsley, Ray, Rudd, Stephens, Summers, Taylor, Thompson, Thornton and Wood—17.

NAYS—Messrs. Allen, Barrett, Brown, Cunningham, Fulton, Gibson, Green, Griffin, Harris, Hughes, Miller, Payne, Rodman, Selby, Townsend, Wall, White, Wickliffe and Wingate—19.

Mr. M'Connell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Ray, were as follows, viz:

YEAS—Messrs. Barrett, Brown, Campbell, Cunningham, Edwards, Faulkner, Fulton, George, Gibson, Griffin, Hardin, Harris, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Rudd, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Wingate and Wood—32.

NAYS—Messrs. Allen, Green, Hughes and Selby—4.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Hardin—A bill to alter the time of holding certain circuit courts; and,

By Mr. Gibson—A bill to provide for the opening a road from New-Liberty in Owen county to Fredericksburg in Gallatin county.

Which bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the former; and second and third readings of the latter



bill having been dispensed with, the former was referred to a committee of Messrs. Green, Wickliffe, Hughes, Rodman, Cunningham, Thompson and Ray.

*Resolved*, That the latter bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hardin—1. A bill to change the time of holding the Bullitt circuit court.

On the motion of Mr. Faulkner—2. A bill for the benefit of John Hogan; and,

On the motion of Mr. George—3. A bill for the benefit of Jesse Combs, clerk of the circuit court of Perry county.

Messrs. Hardin, Ray and Hughes were appointed a committee to prepare and bring in the first; Messrs. Faulkner, Miller and George the second; and Messrs. George, Faulkner and Owsley the third.

Mr. Ray read and laid on the table the following resolution, viz:

*Resolved by the Senate and House of Representatives*, That in the election of Public Printer, should there be more candidates than two, no one shall be dropped on the first ballot on account of his being in a minority, but they will ballot on until one of the candidates have a majority of all the members voting.

Mr. Wickliffe from the committee to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of the heirs of George Stepp, deceased, and Mary Louisa Megowan," reported the same with an amendment.

Which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Faulkner from the committee appointed for that purpose, reported, a bill for the benefit of John Hogan.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was ordered to be engrossed and read a third time to-morrow.

And then the Senate adjourned.

WEDNESDAY, JANUARY 13, 1830.

The Senate assembled.

Messrs. M'Connell, Wood and George were appointed a committee on the part of the Senate to examine the Auditor's office; Messrs. M'Millan, Hughes and Harris the Treasurer's office; and Messrs. White, Green and Payne the Register's office.

A message was received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act requiring the clerk of the Court of Appeals to deliver over certain records to the Register of the Land office.

An act to amend the charter of the city of Louisville.

An act for the benefit of Francis Maraman and others; and,

An act for the benefit of John L. Elliott.

And the passage of a bill which originated in the Senate entitled, "an act to amend an act to incorporate certain turnpike road companies," approved, January 29, 1829.

Mr. M'Millan from the committee of propositions and grievances, reported bills of the following titles, viz:

A bill to repeal part of an act regulating ferries on the Tennessee river and part of Cumberland river, approved, January 19, 1827; and,

A bill for the benefit of the Pike county court.

Which bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the former bill having been dispensed with, it was committed to a committee of Messrs. Campbell, Summers and Edwards.

The rule of the Senate, constitutional provision and second and third readings of the latter bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

Mr. M'Millan from the committee of propositions and grievances, made the following reports, viz:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the town of Lucto, in Mercer county, praying the passage of a law allowing an additional magistrate to the county of Mercer, to reside in said town, and have come to the following resolution thereon, to-wit:

*Resolved*, That said petition be rejected.

The committee of propositions and grievances have, according to order, had under consideration the petition of Hugh Talbott, to them referred, and submit the following resolution thereon:

*Resolved*, That said petition be rejected.

Which were twice read and concurred in.

Mr. Wood from the committee of religion, to whom was referred, a bill from the House of Representatives entitled, "an act to divorce Judah Varner from her husband John Varner," reported the same with the following resolution thereon, to-wit:

*Resolved*, That the said bill *ought not to pass*.

Which was twice read and concurred in; and so the said bill was disagreed to.

Mr. Harris from the committee to whom was referred, an engrossed bill entitled, an act to amend the law in relation to taking depositions, reported the same with amendments.

Which were twice read and concurred in.

*Ordered*, That the said bill be re-engrossed and read a third time to morrow.

Mr. Wall from the committee to whom was referred, a bill from the House of Representatives entitled, "an act in relation to the Georgetown and Cincinnati turnpike," reported the same with an amendment.

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Hardin—1. A bill to change the time of holding the Bullitt circuit court.

By Mr. Green—2. A bill for the benefit of the heirs of James Jennings, deceased.

By Mr. George—3. A bill for the benefit of Jesse Combs.

By Mr. Green—4. A bill to furnish certain officers with the Digest of the Statutes.

By Mr. Owsley—5. A bill to extend the turnpike and wilderness road to Crab-Orchard: and,

By Mr. Stephens—6. A bill to authorize James G. Lindsey of Campbell county to remove his ferry.

Which bills were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the second bill having been dispensed with, it was committed to the committee of courts of justice.

The rule of the Senate, constitutional provision and second and third readings of the first, third, fourth and sixth bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up the report of the committee of finance, on a resolution from the House of Representatives, directing the



President and Directors of the Bank of Kentucky to pay to John D. Hay a certain sum of money.

Mr. Thornton moved to amend the first resolution by striking out the words "*be rejected*," and inserting in lieu thereof the words *is reasonable*.

And the question being taken thereon, it was decided in the negative, and so the said resolution was concurred in.

The yeas and nays being required thereon by Messrs. Hardin and M'Connell, were as follows, viz.

YEAS—Messrs. Green, Harris, Summers, Thornton and Wall—5.

NAYS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Faulkner, Fulton, George, Gibson, Griffin, Hardin, Hughes, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Rudd, Selby, Stephens, Taylor, Thompson, White, Williams, Wingate and Wood—29.

The second resolution was then concurred in, and leave was given Mr. Hay to withdraw his papers.

Mr. Wingate from the committee of enrollments reported, that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of the clerk of the Cumberland county court.

An act to organize two fire companies in the town of Lexington and for other purposes.

An act for the benefit of the trustees of the Simpson county seminary.

An act allowing further time to the commissioners of the Smithland and Waidsboro roads to make their reports.

An act to change the time of holding certain circuit courts and for other purposes.

And had found the same truly enrolled: that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

On the motion of Mr. Ray—

The committee of courts of justice was discharged from the further consideration of a bill to amend the forfeiture law in relation to actual settlers, and the said bill was ordered to be engrossed and read a third time to morrow.

On the motion of Mr. Faulkner—

Leave was given to bring in a bill to amend and extend the laws respecting places of religious worship; and Messrs. Faulkner, Wood, Barrett, White, Townsend, Fulton, Gibson and Owsley were appointed a committee to prepare and bring in the same.

A resolution fixing a day for the adjournment of the General Assembly, read and laid on the table by Mr. M'Connell on the 11th inst. was taken up and twice read as follows, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That when they adjourn on Friday the 22d instant, they will adjourn without day.

Mr. Wingate moved to amend the said resolution by striking out "Friday the 22d," and inserting in lieu thereof, Saturday the 30th.

Mr. Maupin called for a division of the question.

The question was taken on striking out "Friday the 22d," and it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Townsend, were as follows, viz:

YEAS—Messrs. Barrett, Brown, Campbell, Fulton, Gibson, Hardin, Harris, Maupin, Ray, Rodman, Rudd, Selby, Wingate and Wood—14.

NAYS—Messrs. Allen, Cunningham, Edwards, Faulkner, George, Griffin, Hughes, M'Millan, M'Connell, Miller, Owsley, Payne, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White and Williams—21.

The question was then taken on adopting the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Edwards, were as follows, viz:

YEAS—Messrs. Allen, Cunningham, Edwards, Faulkner, George, Griffin, Hughes, M'Millan, M'Connell, Miller, Owsley, Payne, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Williams and Wood—22.

NAYS—Messrs. Barrett, Brown, Campbell, Fulton, Gibson, Hardin, Harris, Maupin, Ray, Rodman, Rudd, Selby and Wingate—13.

The Senate took up the report of the committee of Internal Improvements, in relation to a road from the mouth of Big Sandy to Frankfort, made on the sixth instant.

On the motion of Mr. Harris—

The said resolution was amended by inserting after the words "Big Sandy river," the words, "by way of Lexington."

Mr. M'Connell moved to amend the said resolution by striking it out after the word "engineer," and inserting in lieu thereof the following, viz:

"To explore and survey the road from the mouth of Big Sandy river by the Little Sandy Saline, Owingsville, Mountsterling, Winchester and Lexington, beginning at Lexington; and also, the road from the same point by Greensburg, Clarksburg, Flemingsburg, Carlisle, Paris and Georgetown, and report to the Legislature the exact distance by each of said routes, and the probable expense of making an earthen turnpike on each of the

routes, agreeably to the plan of the Virginia turnpike road, from the mouth of Big Sandy, by Charleston in Kenhawa eastward, and of grading the same in like manner; also the probable expense of making a stone turnpike on each of said routes."

The question being taken on adopting the said amendment proposed by Mr. M'Connell, it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Fulton, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cunningham, Fulton, Green, M'Millan, M'Connell, Payne, Rudd, Summers, Taylor, Thompson, Thornton, Townsend, Wall, Williams and Wood—17.

NAYS—Messrs. Brown, Edwards, Faulkner, George, Gibson, Griffin, Hardin, Harris, Hughes, Maupin, Miller, Owsley, Ray, Rodman, Stephens, White and Wingate—17.

Mr. Hardin moved to amend the said resolution by adding thereto these words, "and that the expense of the said surveys be paid by the several counties through which said routes pass."

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Gibson, were as follows, viz:

YEAS—Messrs. Barrett, Cunningham, Edwards, Faulkner, George, Griffin, Hardin, Maupin, Miller, Owsley, Ray, Rodman, Rudd, Stephens, Thompson, Townsend, White and Wingate—18.

NAYS—Messrs. Allen, Brown, Fulton, Gibson, Harris, Hughes, M'Millan, M'Connell, Payne, Summers, Taylor, Thornton, Wall, Williams and Wood—15.

On the motion of Mr. Thornton—

The said resolution was then laid on the table till the first day of June next.

On the motion of Mr. Wingate—

Leave was given to bring in a bill to provide for the opening a State road from the town of Frankfort, by the way of Owenton, to Ghent on the Ohio river; and Messrs. Wingate, Gibson and Rodman were appointed a committee to prepare and bring in the same.

Mr. Wingate moved the following resolution, viz:

*Resolved*, That a committee of three be appointed to inquire into the necessity of appropriating one of the rooms in the Capitol to the use of the Secretary of State, for the purpose of enabling him to preserve the books and papers belonging to his office.

Which was twice read and adopted, and Messrs. Wingate, Hardin and Thompson were appointed said committee.

And then the Senate adjourned.



THURSDAY, JANUARY 14, 1830.

The Senate assembled.

1. Mr. Brown presented the petition of the acting executors, devisees and heirs of Col. William Steele, praying compensation for the services rendered by said Steele, in running and marking the line between this State and Tennessee; and,

2. Also, the petition of the executor of Thomas Elley, praying that a law may pass appointing commissioners to convey several lots in the town of Westport, which were sold by the said Thomas in his lifetime, and for the conveyance of which bonds were given by him.

3. Mr. McConnell presented the petition of sundry citizens praying that a law may pass to provide for keeping in repair the roads leading from Mountsterling, Owingsville, Flemingsburg, &c. to the mouth of Big Sandy, by the way of the Little Sandy Salt works; and,

4. Mr. Townsend presented the petition of sundry citizens of Hopkins county, praying that a law may pass to change the time of holding the county court of said county.

Which petitions were severally received, read and referred; the first and third to the committee of finance; the second to the committee of courts of justice; and the fourth to a committee of Messrs. Townsend, Cunningham and Campbell.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House, of the following titles, viz:

An act for the benefit of Solomon Jenkins.

An act for the benefit of Gabriel L. Bourland.

An act further to regulate the Court of Appeals.

An act for the benefit of the heirs of Micajah Shelton; and,

An act for the benefit of William Greathouse.

And that they had passed bills which originated in the Senate of the following titles, viz:

An act to regulate attachments in civil cases.

An act for the benefit of Samuel Campbell late sheriff of Caldwell county.

An act for the benefit of Jesse Corum; and,

An act for the benefit of Thales Huston.

With amendments to the latter bill.

Mr. Wickliffe from the committee of courts of justice, to whom was referred, a bill from the House of Representatives entitled, "an act to amend the penal laws," reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill *ought not to pass*.

Which was twice read and concurred in, and so the said bill was disagreed to.

Mr. Wickliffe from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act making further provision for the sale of the lands and slaves of infants," reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. Wickliffe from the same committee, who were directed by a resolution of the Senate, to inquire into the expediency of so amending the laws in relation to awarding injunctions as to compel all those who apply for injunctions before justices of the peace, to give notice of the time and place of applying for the same, reported the following resolution thereon, viz:

*Resolved*, That it is *inexpedient* to pass the proposed law.

Which was twice read and concurred in.

Mr. Hardin from the committee of finance, to whom was referred a bill from the House of Representatives entitled, "an act for the benefit of Sarah Mitcherson and others," reported the same with an amendment.

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

Mr. Hardin from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act to authorize the surveyor of Logan county to transcribe certain books in his office," reported the same with amendments.

Which were twice read and the first amendment concurred in.

The said bill provides that the said surveyor be paid out of the public Treasury for transcribing said books; and the second amendment proposes to amend it so that the surveyor be paid out of the county levy of Logan county.

And the question being taken on concurring in said amendment it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Edwards, were as follows, viz:

YEAS—Messrs. Campbell, Cunningham, Faulkner, George, Gibson, Green, Griffin, Hardin, McConnell, Miller, Owsley, Payne, Ray, Rudd, Selby, Stephens, Taylor, Thompson, Thornton, White, Wickliffe, Williams and Wingate—23.

NAYS—Messrs. Allen, Barrett, Brown, Edwards, Harris, Hughes, Maupin, McMillan, Rodman, Summers, Townsend, Wall and Wood—13.

The said bill was then recommitted to the committee of finance with the following instructions, viz:

*Resolved*, That the committee of finance be instructed so to amend the bill, making it the duty of the justices of the county courts to cause the surveyor's offices in their respective counties to be examined annually, and to compel the surveyors to keep their books in proper order, and to transcribe them when necessary; and also, to require the justices and judges of the respective courts, to cause their offices to be examined annually, and to com-

pel the several clerks to keep their books in proper order and transcribe them when necessary.

Mr. Allen from the committee appointed for that purpose, reported a bill for the benefit of Kitty B. Gray and the President and Directors of the Greensburg Branch Bank.

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

Mr. Campbell from the committee to whom was referred, a bill to repeal part of an act regulating ferries on the Tennessee river and part of Cumberland river, approved, January 19, 1827, reported the same with an amendment.

Which was twice read and concurred in, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Wickliffe—

Leave was given to bring in a bill to incorporate the Kentucky Hemp Manufacturing Company; and Messrs. Wickliffe, Thornton, Williams and M'Connell were appointed a committee to prepare and bring in the same.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the State of the Commonwealth, Mr. Selby in the chair. After some time spent in committee, the Speaker resumed the chair, when Mr. Selby reported, that the committee had, according to order, had under consideration a bill from the House of Representatives entitled, "an act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools," and had made some progress therein, but not having time to go through the same had directed him to ask leave to sit again; which leave was granted.

Mr. Wingate from the joint committee of enrollments reported, that the committee had examined enrolled bills and a resolution of the following titles, viz:

An act to incorporate the trustees of the Union Meeting House in Logan county, and of the Union Meeting House in Russellville.

An act to legalize the proceedings of the court of assessment in the 3d regiment of Kentucky militia.



An act for the benefit of the widow and heirs of Benjamin Mason, deceased.

An act to allow an additional justice of the peace and constable for Garrard county.

An act to authorize the county court of Owen county to sell and convey the lot of ground on which the old jail stands.

An act to incorporate the trustees of the Union Meeting House in Warren county.

An act for the benefit of Henry Waddle.

An act for the benefit of John Cottrel and others.

An act to declare the Bayou de Chien, Obion and Mayfield's creeks navigable streams.

An act for the benefit of Mary Cale; and,

An act for the benefit of Anner Taylor; and,

A resolution to appoint committees to examine the public offices.

And had found the same truly enrolled: that said bills and resolution had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Wingate reported that the committee had performed that duty.

And then the Senate adjourned.

#### FRIDAY, JANUARY 15, 1830.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act more effectually to secure shipwrights and others in their claims against Steam boats and other vessels.

An act for the benefit of the devisees of Benjamin Threlkeld and Plummer Thruston.

An act to amend the act entitled "an act to incorporate the Lexington and Frankfort turnpike or rail road company."

An act to authorize the mayor and council of Louisville to elect inspectors of tobacco in said city.

An act for the benefit of the Christian academy; and,

An act in relation to the clerks of county courts.

And that they had passed bills which originated in the Senate of the following titles, viz:

An act concerning the public highways in the county of Fayette, and for other purposes.

An act for the benefit of the settlers west of the Tennessee river.

An act for the benefit of Azra Offutt; and,

An act to provide for the opening a road from Floyd court house to Little Sandy salt works, by way of Paintsville and Sweetman's;

With amendments to the latter bill.

And that the House of Representatives had received official information that the Governor had approved and signed bills which originated in that House of the following titles, viz:

An act for the benefit of Abraham Smith.

An act to legalize the proceedings of the circuit and county courts of Hancock county.

An act to change the place of voting in an election precinct in Hardin county, from John Buckle's to Stephen Southern's and for other purposes.

An act to regulate the wilderness and turnpike roads.

An act to establish the towns of Floydsburg, Brownsboro and Paducah and for other purposes.

An act authorizing the insertion of advertisements in the Spy and Religious and Literary Intelligencer.

An act authorizing the sheriff of Wayne county to be qualified at the March term.

An act to change the time of holding courts in certain counties.

An act to organize a fire company in the town of Russellville.

An act for the benefit of Peggy Gillock.

An act for the benefit of Mary Pedigo.

An act to reduce the number of trustees to the New-Castle seminary to five.

An act for the benefit of Thomas Vaughn and others.

An act for the benefit of Foster's devisees.

An act to amend an act requiring certain duties of the clerks within this Commonwealth.

An act to amend the laws defining the powers of the trustees of the town of Newport.

An act to change the time of holding certain circuit courts and for other purposes.

An act for the benefit of the clerk of the Cumberland county court.

An act allowing further time for the commissioners of the Smithland and Wadsworth roads to make their reports.

An act for the benefit of the trustees of the Simpson county seminary.

An act to organize two fire companies in the town of Lexington and for other purposes.

Mr. Wickliffe from the committee of courts of justice, to whom was referred a bill to amend the laws regulating conveyances, reported the same with an amendment;

Which was twice read, and the said bill and amendment were placed in the orders of the day.

Mr. Wickliffe from the same committee, to whom was referred a bill more effectually to guard against fraud and collusion between sheriffs and constables, and the defendants in execution, reported the same with an amendment.

Which was twice read and the said bill and amendment were recommitted to the committee of courts of justice.

The following bills were reported from the several committees appointed to prepare and bring in the same. viz:

By Mr. Wickliffe—A bill to incorporate the Kentucky Hemp Manufacturing and Exporting Company; and,

By Mr. Townsend—A bill to alter the time of holding the Hopkins county court.

Which bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Green from the committee to whom was referred, a bill to alter the time of holding certain circuit courts, reported the same with amendments.

Which were twice read, amended and concurred in.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On motion—

Leave of absence was given to Mr. Rodman until to-morrow night.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Harris—1. A bill to provide for employing an engineer to survey and mark the most practicable route for a road from the mouth of Big Sandy to Lexington, by way of Little Sandy Salt works.

On the motion of Mr. Green—2. A bill to amend the laws in relation to guardians; and,

On the motion of Mr. Maupin—3. A bill to amend the law in relation to land sold under execution.

Messrs. Harris, M'Millan, Williams and M'Connell were appointed to prepare and bring in the first; Messrs. Green, Hughes and M'Connell the second; and the committee of courts of justice the third.



On the motion of Mr. Campbell, (who voted in the majority,) the vote was reconsidered by which a bill from the House of Representatives entitled, "an act to establish seminaries of learning in the counties of Calloway, Grayes, Hickman, M'Cracken and Hancock," was laid on the table until the first day of June next.

Mr. Harris, (who voted in the majority,) moved a reconsideration of the vote by which the Senate refused to amend the said bill by striking out the three last sections thereof.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Maupin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, George, Hardin, Harris, Hughes, Maupin, Stephens, Summers, Thompson, Thoraton, Townsend, Wall, Wingate and Wood—17.

NAYS—Messrs. Brown, Cunningham, Faulkner, Fulton, Gibson, Green, Griffin, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rudd, Selby, Taylor, White, Wickliffe and Williams—19.

On the motion of Mr. Hardin, the said bill was again laid on the table until the first day of June next.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the State of the Commonwealth, Mr. Stephens in the chair; after some time spent in committee, the Speaker resumed the chair, and Mr. Stephens reported that the committee had, according to order, had under consideration a bill to amend the several acts regulating the course of descents and the distribution of intestates estates, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again; which leave was refused, and the said bill was placed in the orders of the day.

The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act for the benefit of Thales Huston, were twice read and committed to the committee of finance.

The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act to provide for the opening a road from Floyd court-house to Little Sandy salt works by way of Paintsville and Swetman's, were twice read and concurred in.

A bill from the House of Representatives entitled, "an act allowing additional justices of the peace and constables to certain counties," was again taken up.

Mr. Maupin moved to amend the said bill by adding thereto the following section, viz:

*Be it further enacted*, That the county of Barren be entitled to

one additional justice of the peace and one constable, *who shall reside in the neighborhood of Captain John King.*

Mr. McConnell moved to amend the said amendment by striking out the words "*who shall reside in the neighborhood of Captain John King.*"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Wickliffe, were as follows, viz.

YEAS—Messrs. Brown, Campbell, Cunningham, George, Gibson, Green, McMillan, McConnell, Miller, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe Wingate and Wood—20.

NAYS—Messrs. Allen, Barrett, Faulkner, Fulton, Griffin, Hardin, Harris, Hughes, Maupin, Rudd, Selby, Stephens and Wall—12.

The said amendment was then concurred in as amended, and the said bill ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act to incorporate the Louisville Mutual Fire Insurance Company," was read the third time as amended.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill entitled, an act to remove the obstructions to the navigation of Rough creek and Pond river, was read the third time.

*Resolved*, That the said bill do pass, and that the title be amended by adding thereto "and Trade Water."

Bills from the House of Representatives of the following titles, were severally read the first time and ordered to be read a second time.

1. An act to authorize the people of Oldham county to select by vote a scite for their seat of justice.
2. An act for the benefit of Gabriel L. Bourland.
3. An act for the benefit of Thomas Lewis and Minerva Laswell.
4. An act for the benefit of James Ferguson.
5. An act to provide for the erection of a bridge across Kentucky river near the mouth of Benson.
6. An act to incorporate a company to erect a bridge across Licking river between the towns of Newport and Covington.
7. An act to establish a State road from Berry's ferry on the Ohio river to Salem, and from Madisonville to Salem.

8. An act to amend the several acts incorporating the Louisville turnpike company, and for other purposes.

9. An act to amend civil proceedings.

10. An act for the benefit of Wayne and Russell counties.

11. An act to amend and regulate the action of replevin.

12. An act for the benefit of the heirs of Stephen Thompson Mason, deceased; and,

13. An act requiring salt works to be inclosed.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with; the first was committed to the committee of propositions and grievances; the second and third to the committee of finance; the fourth to the committee of religion; the fifth, sixth and eighth to the committee of Internal Improvements; the ninth, eleventh and twelfth to the committee of courts of justice; the tenth to a committee of Messrs. Wickliffe, Griffin, Brown and Selby; the seventh was amended, and together with the thirteenth ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the seventh bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

#### SATURDAY, JANUARY 16, 1830.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills of the following titles, viz.

An act to authorize the sale of the seminary lands in Perry county.

An act to authorize the insertion of certain advertisements in the Public Leger.

An act for the benefit of William M'Clain, deputy sheriff of Estill county.

An act to authorize the sheriff of Monroe county to execute bond for the collection of the revenue tax and county levy of said county.

An act for the purpose of having the Edmonson county line run from White's to Hunter's, and also to run the line between Edmonson and Barren.

An act for the benefit of William Bartlett and others.

An act for the benefit of Micajah V. Harrison, and for other purposes.

An act to change the tobacco inspection in the town of Eddyville; and,

An act to regulate the town of Pikeville, in Pike county.



And of the passage of bills which originated in the Senate of the following titles, viz.

An act altering the time of holding the Washington circuit court; and,

An act for the benefit of Russellville Lodge No. 17.

With amendments to each.

And that they had concurred in the amendments proposed by the Senate, to bills from that house entitled,

An act to establish an election precinct in Fleming county, and for other purposes; and,

An act for the benefit of the heirs of George Stipp and of Mary Louisa Megowan;

With amendments to the former.

Mr. Green from the committee appointed for that purpose, reported a bill to amend the laws in relation to guardians.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

Mr. Barrett moved for leave to bring in a bill for the benefit of William K. Wall.

The motion presented on the said title was referred to the committee of finance.

A resolution in relation to the election of public printer, read and laid on the table by Mr. Ray on the 12th instant, was taken up and twice read.

Mr. McConnell moved to lay the same on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Ray, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Faulkner, George, Gibson, Green, McConnell, Owsley, Payne, Rudd, Taylor, Thornton, Townsend, White, Wickliffe and Williams—16.

NAYS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Hardin, Harris, Hughes, Maupin, McMillan, Miller, Ray, Selby, Stephens, Summers, Wall and Wood—18.

Mr. Taylor moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required by Messrs. Payne and McMillan, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Cunningham, Faulkner, George, Gibson, Green, Hardin, Maupin, McMillan, McConnell, Miller, Owsley, Payne, Rudd, Taylor, Thornton, Townsend, White and Williams—22.

NAYS—Messrs. Campbell, Edwards, Fulton, Griffin, Harris, Hughes, Ray, Selby, Stephens, Summers, Wall, Wickliffe and Wood—13.

Mr. Harris from the committee appointed for that purpose, reported a bill to provide for employing an engineer to survey and mark the most practicable route for a road from the mouth of Big Sandy to Lexington, by way of Little Sandy Saline.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of finance.

On motion—

Leave of absence was given to Mr. Wingate for to-day.

The amendments proposed by the House of Representatives, upon concurring in the amendments proposed by the Senate to a bill from that house entitled, "an act to establish an election precinct in Fleming county, and for other purposes," were twice read and concurred in.

The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act altering the time of holding the Washington circuit court, were twice read, amended and concurred in.

The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act for the benefit of Russellville Lodge No. 17, were twice read and concurred in.

A bill to amend the several acts against unlawful gaming, was read the second time.

The third section of the said bill is as follows, viz:

Sec. 3. *Be it further enacted*, That all bonds, deeds and contracts whatever, founded upon any gaming consideration, shall be utterly void, and notwithstanding any such writing or contracts, or property may be delivered, the original owner may at any time, within five years as aforesaid, sue for and recover his land or other property, into whomsoever hands the same may pass.

Mr. Thornton moved to amend the said section by adding thereto the following words, viz.

Except in the hands of an innocent purchaser for valuable consideration, without notice, that such property was won at gaming: *Provided, however*, that in such cases recovery may be had for the value of said property, against the winner or any other person through whose hands said property may have passed, who had notice of said property having been so won.

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Williams, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Cunningham, Edwards, George, Hardin, Harris, M'Connell, Owsley, Ray, Thornton and Wall—13.

NAYS—Messrs. Brown, Faulkner, Fulton, Gibson, M'Millan, Miller, Rudd, Selby, Stephens, Summers, Taylor, White, Wickhffe, Williams and Wood—15.

*Ordered*, That the said bill be engrossed and read a third time on Monday next.

An engrossed bill entitled an act to authorize the Commonwealth to prosecute writs of error in certain cases, and for other purposes, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A joint preamble and resolution from the House of Representatives, upon the subject of wharfage, exacted by certain towns on the Mississippi river, were twice read and unanimously concurred in.

Bills from the House of Representatives of the following titles, viz.

An act to add a part of the county of Cumberland to the county of Monroe; and,

An act for the benefit of Thomas I. Young.

Were each read the third time.

*Resolved*, That the said bills do pass and that the titles thereof be as aforesaid.

An engrossed bill entitled, an act to establish a State road from Smithland to Wadsworth, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz.

1. An act appropriating certain vacant lands to the improvement of the public roads in the counties of Russell, Monroe, Allen and Cumberland.

2. An act allowing additional justices of the peace to certain counties.

3. An act to incorporate the Green and Barren river navigation company.

4. An act to change the time of holding the Edmonson and Barren county courts, and for other purposes.

5. An act to appropriate certain vacant lands in this Commonwealth, to the use of the Mount Sterling seminary.

6. An act to amend the laws in relation to the trustees of towns, and for other purposes.

7. An act for the benefit of the public schools in the city of Louisville.

8. An act to appropriate some of the vacant land in Casey, Wayne and Russell counties to improve the roads in said counties.



9. An act for the benefit of witnesses, clerks, sheriffs and other officers.

10. An act for the benefit of Charles Webb.

11. An act for the benefit of Jane Wright Latty and Nancy Davis Latty.

12. An act to enlarge the powers of the county courts as to constables' districts within their counties.

13. An act for the benefit of John Ferguson of Muhlenberg.

14. An act to amend the act entitled, "an act to review a part of the State road leading from Franklin to Owensborough," approved January 7, 1829.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bills (except the ninth,) having been dispensed with; the first, third, fifth, seventh and eighth were committed to the committee of finance; the fourth to a committee of Messrs. Harris, M'Connell, Maupin and Williams; the sixth to a committee of Messrs. Thornton, Wickliffe and Williams; and the eleventh and twelfth to the committee of courts of justice.

*Ordered*, That the second, tenth, thirteenth and fourteenth bills be read a third time.

The rule of the Senate, constitutional provision and third reading of the said second, tenth, thirteenth and fourteenth bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

#### MONDAY, JANUARY 18, 1830.

The Senate assembled.

Mr. M'Millan from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under their consideration the petition of sundry citizens of Ohio county, praying that a law may pass authorizing Thomas Taylor and George Shrader to build a mill dam across Rough creek in said county, to them referred, and report thereon:

*Resolved*, That said petition be rejected.

Which was twice read and laid on the table.

Mr. Wood from the committee of religion, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of James Ferguson; and,

An act to divorce Agnes Street from her husband John Street, and John Cochran and Catharine Cochran,

Reported the same with the following resolution thereon, viz:

*Resolved*, That the said bills *ought not to pass*.

Which was twice read and concurred in. And so the said bills were disagreed to.

Mr. Wingate from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to change a part of the State road in Morgan county.

An act for the benefit of Phebe Barnes and children.

An act allowing additional constables to Washington and Owen counties.

An act for the benefit of Jesse Corum.

An act to authorize the insertion of advertisements in the Winchester Republican printed in Winchester.

An act for the benefit of the heirs of George Walters, deceased.

An act for the benefit of Samuel Campbell late sheriff of Caldwell county; and,

An act to regulate attachments in civil cases.

And had found the same truly enrolled: that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Wingate reported that the committee had performed that duty.

Mr. Thornton from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to amend the laws in relation to the trustees of towns, and for other purposes," reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to establish a sixteenth judicial district," and the amendments proposed thereto, reported the same without amendment.

The said bill is as follows, viz.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be established an additional judicial district in this Commonwealth, which shall be styled the sixteenth judicial district, composed of the counties of Livingston, Caldwell, Calloway, Graves, Hickman and M'Cracken, and that a circuit judge and Commonwealth's attorney shall be appointed for said district, who shall possess the same powers and receive the same emoluments that are now allowed by law to other circuit judges and Commonwealth's attorneys of this State.

Sec. 2. *Be it further enacted*, That the times of commencing and holding the circuit courts in the said several counties mentioned in the first section of this act, shall be as follows: In the county of Livingston, commencing on the first Mondays in March, June and September, and continue six juridical days, if the business shall require it; in the county of Caldwell, commencing on the third Mondays in March, June and September, and continuing, if the business shall require it, twelve juridical days, except the June term of said court, which shall continue not more than six juridical days; in the county of Hickman, commencing on the second Monday in April, July and October, and continuing, if the business shall require it, six juridical days; and the county of M'Cracken, commencing on the third Mondays in April, July and October, and continuing three juridical days if the business shall require it; in the county of Graves, commencing on the Thursday succeeding the third Mondays in April, July and October, and continuing three juridical days, if the business shall require it; in the county of Calloway, commencing on the fourth Mondays in April, July and October, and continuing six juridical days if the business shall require it.

Sec. 3. *Be it further enacted*, That so much of an act entitled, "an act to establish the county of Calloway," approved, November 30, 1822, as authorizes the appointment of two assistant judges in the counties of Hickman and Calloway, and all laws heretofore passed authorizing the appointment of assistant judges in the counties of Graves and M'Cracken be, and the same are hereby repealed.

Sec. 4. *Be it further enacted*, That so much of this act as changes the times of commencing and holding the courts in the several counties in the first section of this act mentioned, shall not take effect until from and after the last day of February, one thousand eight hundred and thirty.

The said amendment is as follows, viz:

Add to the bill:

Sec. 5. *Be it further enacted*, That the counties of Todd and Hopkins be, and they are hereby taken from the sixth and fourteenth districts and annexed to the seventh judicial district.

Sec. 6. *Be it further enacted*, That the times of holding the Christian circuit court be hereafter changed, and that the said court shall hereafter commence on the first Mondays in May, August and November, and continue at each term eighteen juridical days, if the business of the court shall require it, and all process which may have issued returnable as heretofore, shall stand for trial at the next May term of said court; and that hereafter there shall be no terms of the county court in said county of Christian, in the months of May, August and November, but there shall be a term of the said county court, held in said county in the months of April, July and October in each year, on the first Monday in



each of said months; and in the counties of Hickman, Calloway, Graves and M'Cracken, there shall hereafter be no terms of the county courts held in either of those counties, in the months of April, July and October, but there shall be terms of the county courts held in said counties of Hickman, Calloway, Graves and M'Cracken hereafter in the months of February, May and November in each year, on the same days they now respectively commence in said counties in the other months; and the terms of the Trigg circuit court shall regularly commence hereafter, on the fourth Mondays in May, August and November and continue as heretofore.

Mr. Hardin moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Barrett, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Edwards, Faulkner, George, Gibson, Griffin, Hardin, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rudd, Selby, Taylor, Thompson, Townsend, White, Williams and Wood—22.

NAYS—Messrs. Allen, Barrett, Campbell, Fleming, Harris, Hughes, Maupin, Rodman, Stephens, Summers, Thornton, Wall and Wickliffe—13.

On the motion of Mr. Wickliffe—

Leave was given to bring in a bill to incorporate the Lexington and Ohio rail road company; and Messrs. Wickliffe, Brown and Williams were appointed a committee to prepare and bring in the same.

A bill from the House of Representatives entitled, "an act to amend the act extending the limits of the town of Versailles,"

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was amended and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title be, an act concerning the towns of Versailles and Danville.

A message was received from the House of Representatives, announcing the passage of a bill of the following title, viz:

An act to incorporate the Merchants Louisville Insurance Company.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the State of the Commonwealth, Mr. Selby in the chair. After some time spent in committee, the Speaker resumed the chair, and Mr. Selby reported, that the committee had, according to order, had

under consideration a bill from the House of Representatives entitled, "an act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools," and had gone through the same and made sundry amendments thereto, which he handed in at the clerk's table.

Mr. Thornton moved to lay the said bill and amendments on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gibson and Wickliffe, were as follows, viz:

YEAS—Messrs. Campbell, Edwards, Faulkner, George, Griffin, Hardin, Miller, Owsley, Taylor, Thornton and Wood—11.

NAYS—Messrs. Allen, Barrett, Brown, Cunningham, Fleming, Fulton, Gibson, Harris, Hughes, M'Millan, M'Connell, Payne, Ray, Rodman, Rudd, Selby, Stephens, Summers, Thompson, Townsend, Wall, White, Wickliffe, Williams and Wingate—25.

The first section of the said bill is as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county courts of this Commonwealth shall, at their next March or any subsequent term, proceed to divide their respective counties into school districts, for the purpose of having established therein, public schools, having in such divisions, a proper regard to the number and convenience of the inhabitants resident within said districts.

One of the amendments reported from the committee of the whole, proposes to strike out the word "*shall*," printed in italics, and to insert in lieu thereof, "may if they think proper."

The question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Ray, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Faulkner, Fleming, George, Gibson, Griffin, Hardin, M'Millan, M'Connell, Miller, Owsley, Ray, Rodman, Selby, Summers, Thornton, Wall, Williams, Wingate and Wood—24.

NAYS—Messrs. Edwards, Fulton, Harris, Hughes, Payne, Stephens, Thompson, Townsend, White and Wickliffe—10.

The fifteenth section of said bill is as follows, viz:

Sec. 15. *Be it further enacted*, That in making out a tax list, the public school commissioner shall apportion the same on all taxable inhabitants within the district, according to the valuation of the taxable property which shall be owned or possessed by them at the time of making out the list within the district, or which being intersected by the boundaries of the district, shall be so owned or possessed by them, partly in such district and

partly in any adjoining district; but when taxable property shall be owned by one inhabitant and possessed by another, only one of them shall be taxed therefor. And every person owning or holding any real property within any school district, who shall improve and occupy the same by his agent or steward, shall in respect to the liability of such property to taxation, be considered a taxable inhabitant of such district in the same manner as if he actually resided therein. And the valuation of taxable property shall be ascertained as far as practicable, from the last assessment made by the commissioners appointed to take in lists of taxable property for the county. And in every case where the valuation of taxable property cannot be ascertained from the last assessment roll of the county, the public school commissioners shall ascertain the true value of the property to be taxed, from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the commissioners to take in taxable property are required by law to proceed in the valuation of taxable property. And every district tax shall be assessed and the tax list thereof made out by the public school commissioners, within one month after the district meeting, in which the tax shall have been rated, and where any district tax for the purpose aforesaid, shall be lawfully assessed and paid by any person, on account of any real property whereof he is only a tenant, such tenant may charge the owner of such real estate with the amount so paid by him, unless some agreement to the contrary shall have been made between them.

Another amendment reported from the committee of the whole proposes to strike out the whole of said section and to insert in lieu thereof the following, viz:

*Sec. 15. That in making a tax list, the school commissioners shall be governed by the commissioners books of the revenue officers taking a list or assessment of the taxable property in such district, and the tax shall be assessed and laid upon the same property, and no other, than shall be subject to a revenue tax for the time being; nor shall any person be subject to taxation in any district of which he is not an inhabitant.*

Mr. M'Connell moved to amend the said amendment by striking out the words printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Gibson, were as follows, viz:

YEAS—Messrs. Cunningham, Gibson, Harris, M'Connell, Payne, Rodman, Stephens and Wall—8.

NAYS—Messrs. Allen, Barrett, Brown, Campbell, Edwards, Faulkner, Fleming, Fulton, George, Griffin, Hardin, Hughes, M'Millan, Miller, Owsley, Ray, Selby, Summers, Thompson,



Thornton, Townsend, White, Wickliffe, Williams, Wingate and Wood—26.

The said amendment was then concurred in.

Another amendment reported from the committee of the whole proposes to strike out the twenty-fifth and twenty-sixth sections.

The said sections are as follows, viz.

Sec. 25. *Be it further enacted*, That it shall be the duty of the Auditor of public accounts, to transmit to the clerks of the respective county courts of this Commonwealth, a true list of non-residents' lands in their respective counties.

Sec. 26. *Be it further enacted*, That if the tax laid by said school commissioners on the lands of non-residents in their respective school districts, shall not be paid, the lists of the lands on which the taxes have not been paid, together with the lists for the taxes thereon, shall be listed with the sheriff of the county in which the land lies, who shall proceed to collect the same, in the same manner he collects the revenue tax of this Commonwealth, and pay the same over to the respective school commissioners.

And the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Williams, were as follows, viz.

YEAS—Messrs. Cunningham, Edwards, Faulkner, Fleming, George, Hardin, Harris, M'Millan, Miller, Owsley, Payne, Selby, Summers, Thompson, Thornton, White, Wickliffe, Williams and Wood—19.

NAYS—Messrs. Allen, Barrett, Brown, Fulton, Gibson, Griffin, Hughes, M'Connell, Ray, Rodman, Stephens, Townsend, Wall and Wingate—14.

The residue of the said amendments were concurred in.

The twenty-fourth section of the said bill is as follows, viz.

Sec. 24. *Be it further enacted*, That the tax authorized by this act shall not exceed six and a fourth cents in the hundred dollars, *unless two thirds of the voters shall vote for a greater amount.*

Mr. Thornton moved to amend the said section by striking out the words, "unless two thirds of the voters shall vote for a greater amount."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Thornton, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Griffin, Hardin, M'Connell, Miller, Owsley, Payne, Ray, Summers, Thompson, Thornton, Townsend, Wall, White, Wingate and Wood—23.

NAYS—Messrs. Brown, Fulton, Harris, Hughes, M'Millan, Rodman, Selby, Stephens, Wickliffe and Williams—10.

*Ordered,* That the said bill, as amended, be read a third time.

The following report was received from the joint committee appointed to visit and examine Transylvania University, viz.

*To the General Assembly of the Commonwealth of Kentucky:*

The joint committee of the General Assembly, appointed to visit and examine into the condition of the Transylvania University, have performed the duty imposed upon them by your resolution, and directed me to report: That with feelings of the most poignant regret, they beheld the mass of ruins to which that stately edifice, lately the abode of learning and science, had been reduced by a recent conflagration. They feel that this is a calamity which must be sincerely deplored by all who are the friends of learning, and looked upon as a catastrophe, bearing with it, not only much pecuniary loss to the State, but depriving her of one of the proudest monuments of her glory—an institution, at once deserving and exciting the admiration and praises of all visitors to our country, and conferring upon her an honorable standing among our sister Republics.

Aware that much prejudice exists, not only in the country, but in the legislature, against this truly unfortunate institution—a prejudice most sincerely believed by them, to be unfounded and unjust, your committee, for the purpose not only of complying with the duty prescribed to them, by your resolution, but with a view of laying before you and the people, a fair and just exposition of all the concerns of that institution, have devoted great attention to the subject, and hope the facts they are enabled to detail, will place the University in a situation to claim from the legislature, and a people always just and generous, that protection and encouragement, hitherto withheld, but now most pressing needed by the institution, and most earnestly demanded by the cause of humanity and learning.

The buildings consumed in the conflagration referred to, cost near 30,000 dollars, upon which insurances had been effected to the amount of \$10,000, which have been received by the trustees. For the purpose of placing the University in a situation which would enable it to accommodate the students who might rationally be expected to resort to its halls, with a view of attaining the benefits to be derived from science and literature, it is particularly needful, that the building destroyed by the fire, should be replaced by a new one, which should contain a chapel, a library, a room to contain the philosophical apparatus, and several rooms for lectures and recitations. This building, with the materials preserved from the ruins of the one destroyed by fire, could be erected for the sum of \$25,000. As already stated, the trustees have in their hands, \$10,000 to be appropriated to this object, and will need from some beneficent source, the sum of \$15,000 as a donation or loan. If a loan should be made to them for that purpose, it will appear from the facts hereinafter detailed, that in all probability, they will have it amply in their power to repay that sum, and at all events, should it, contrary to the hopes and expectations of all the friends of the institution, fail in the resources looked to, the legislature will have power to receive back the loan in tuition, by connecting the University with the system of public schools, which it is to be hoped will be adopted at the present session, and educating there, a suitable number of young men of talents and probity, at the expense of the State, with a view to their becoming teachers in the public schools. The loss to the philosophical apparatus could be

remedied with the sum of \$200; the value of the present apparatus is estimated at \$1,500. The loss to the academical library, was about 250 volumes, which has been already more than replaced, by the voluntary and benevolent donations of individuals. The law library, consisting of about 600 volumes, and valued at about \$3,000, has been entirely destroyed. There are now in the library of the college proper, 2,350 volumes, which are estimated to be worth about \$5,000. The real estate belonging to the University, consists of the lot and the buildings saved from the conflagration in the town of Lexington, worth about \$10,000; and a claim to land in the county of Caldwell, from which it is supposed little or nothing will ever be realized. In the treasury of the University, there is about a sufficiency to pay the salaries of the officers, and the incidental expences of the institution.

The present resources of the University, exclusive of the monies arising from tuition, consist of a subscription made by the citizens of Lexington and the vicinity, near 18 months since, of the annual sum of about \$3,500 to continue for four years from its commencement, with a reservation of the right to the subscribers, of the privilege of taking out the amount of their subscription in tuition, at the usual rates; of which privilege the subscribers generally avail themselves, by sending to the University, youths who are unable to educate themselves. The University also receives annually, a sum between \$100 and \$200, arising from fines and forfeitures, and taxes on sales at auction. In the grammar school, there are two teachers and 56 students, at an annual fee for tuition of \$25 each. In the college proper, there are four teachers and 80 students, who pay each, \$30 per annum for tuition, and an admission fee of five dollars. The teachers in the grammar school and the college proper, with the exception of the Morrison professor, are paid by the above named subscription of \$3,500, and by the tuition money received from those students who pay tuition fees.

In the law department there are nineteen students, who pay \$25 for tuition, and one professor, whose salary is entirely contingent, and dependent on the tuition received from the students who attend his lectures. There are six professors in the medical department, whose salaries are also contingent on the fees paid by the students attending those lectures. In this department, there are 200 students who pay for admission to the anatomical lectures, \$20, and to each of the other professorships \$15.

The whole number of students attending all the departments of the University, is 357, of whom, 63 have their homes in Lexington, 126 come from other parts of the State, and 168 from other States and Territories. Upon the most accurate calculation which can be made of the expences of each student, from another State or Territory annually, it is considered a very moderate estimate to place it at an average of \$200. From this calculation, it will appear, that during the present year, the sum of *thirty-three thousand and six hundred dollars* have been brought into, and left in this State, by foreign students, attending the various departments of the University. In the year 1826, when the institution was enjoying the patronage of the State, and was under the direction of that able and much persecuted man, whose remains now lie buried in the silent ocean, lamented by those in whom learning and talents are calculated to excite admiration, there were from other States, 228 students, who contributed to the wealth of the State, the sum of *forty-five thousand and six hundred dollars*. If, under the direct



tion of its very amiable, intelligent and learned President, unaided by public munificence, in her present deplorable condition, the University is drawing to her, so many youths from foreign States, it would not be extravagant to say, that with even a moderate patronage from the State, there would attend the University annually, 200 students from other States, which would make an annual income to the State, of *forty thousand dollars, drawn into it by the University.* To this sum may be added, a saving of *ten thousand dollars*, kept in the State by the University, which, on the most moderate calculation, would be carried from our country by the sons of residents, who would be sent to foreign colleges, if there were no institution of that character in this State—so that it will appear, that the existence of the University in the State, under circumstances of even moderate prosperity, adding together the sum thus prevented from being exported, and the sum thus imported, is a *clear and apparent annual addition to the wealth of the State, of fifty thousand dollars.*

The late Col. James Morrison, in his last will, devised to the University, the sum of \$20,000, to be invested in some productive fund, and the proceeds to be appropriated as a salary to a professor in the institution, or the whole to the purchase of a library. The trustees have constituted the professorship of mathematics, the Morrison professorship in the University—loaned out the money at the rate of six per centum per annum, upon real security, deemed amply sufficient, and apply the proceeds to the payment of the professor of that science, agreeably to the wishes of the liberal donor. Besides the above sum, the same individual bequeathed the whole residuum of his estate, after paying certain legacies, to the University, which residuum, it is believed by those who are best acquainted with the subject, will amount to 50 or \$60,000; but as there is a life annuity of \$2,000, and a contingent legacy of \$2,000 to be paid from this residuum, and some suits depending, the trustees are not, at this time, and may not be for some years, able to avail themselves of the munificent donation of Col. Morrison, and are compelled to look to some other quarter for the means necessary to re-instate the buildings which have been destroyed; for, if they should not be enabled to obtain that sum from some source or other, it is greatly to be feared, that the University may be compelled to suspend its operations, the liberal bequests of Col. Morrison, which may probably amount to 75 or \$80,000, become a lapsed legacy, and be lost to the cause of literature and humanity, and to the State, (for it must always be borne in mind that the University belongs to the State, and is the property of the people, together with all its wealth, certain and expectant,) and the State lose an annual income of \$40,000, and be drained of an annual expenditure of \$10,000 besides. To whom shall she look in the hour of her misfortunes? To whom shall science appeal for protection, and aid, and comfort, when her abode is burnt to ashes, and she is a wanderer in the land, without a home to shelter her? To whom, but to a free and magnanimous people, renowned for their bravery, and that noble quality that always adorns the brave—that open handed and open hearted generosity and sympathy for the distressed—that liberal spirit of kindness and devotion in the cause of humanity and learning? When the prodigal son returned in distress to his father's house, instead of meeting him with rebuke, his father invited his friends and kindred to a banquet, and rejoiced and wept over him with all the endearments of affection. And should it be true, as it is by some char-

ged, though without just cause as we believe, that the University has been prodigal of the kindnesses heretofore extended to her, and that her concerns have been badly managed, does it therefore follow, that the people should do nothing more to promote the cause of education, and leave the future millions of this country in ignorance, or to struggle for the lights of knowledge, unaided by legislative interference? Does it follow, that what has been done by the State, should be lost? That the liberal and munificent donations to the institution, should be sacrificed and pass into other hands? That the large property of the people in that institution, should be suffered to go to ruin and desolation? That our State should be drained, year after year, of its resources, in the education of her youth in foreign States, and become tributary to others who are more alive to their interests and the cause of learning?

It is often said that large funds have been lavished on the University, and that they have been extravagantly expended. For the purpose of correcting an impression, believed by your committee to be erroneous, they beg leave to submit a few facts, from which they think that the conclusion must necessarily result, that the State has at one time done that institution much injury, and though at a late period, the hand of munificence was extended towards her, the sums appropriated were by no means large, when compared with the donations of other States to their literary institutions; and further, that the munificence of the State, heretofore extended, has not been improvidently expended or wasted, but appropriated strictly to the objects intended.

In the year 1780, the State of Virginia established the Transylvania Academy, and endowed it with twenty thousand acres of escheated lands, lying in Kentucky county. In the year 1795, an association of gentlemen, desirous of promoting the cause of education, endowed another literary institution, called the Kentucky Academy. These two institutions subsequently, in 1798, became united, and were the origin of that now called the Transylvania University. After Kentucky was erected into a State, laws were passed, exempting lands from escheat, the effect of which laws was, that the Transylvania Seminary only received eight out of the twenty thousand acres of land, with which she had been endowed by Virginia. No advantage was derived to the institution from this interference of the Kentucky Legislature, but on the contrary, an actual and serious injury, to the amount of about thirty-five thousand dollars; which sum, the twelve thousand acres of land, she was deprived of by the State of Kentucky, it may fairly be presumed, would have yielded to the institution, inasmuch as the eight thousand acres yielded to her thirty thousand dollars. The funds derived from the sale of these lands, were vested in the stock of the Bank of Kentucky. The legislature repealed the charter of that bank, and a loss was here again sustained by the institution, of about twenty thousand dollars. Thus far, the public patronage, instead of giving life and energy to this valuable institution, cut off her resources, cramped her energies, and blighted her prospects.

What then is the reparation which the Legislature of Kentucky has made for the injuries thus inflicted by it on this institution? And what are the large appropriations which the people have been lead to believe, have been lavished upon her? Simply these: The legislature gave to the University, the bonus of the Farmers' and Mechanics' Bank, amounting to the sum of

\$3,000; in 1820, the sum of \$5,000 was appropriated to the medical department, to be expended in the purchase of books and apparatus, to be held as the property of the State, for the use of the University; in 1821, \$20,000 in notes of the Bank of the Commonwealth, equal to \$10,000 in specie was appropriated; and a sum not exceeding \$2,000 has been derived by her from duties on auctions, and from fines and forfeitures. So that the legislature of Kentucky has altogether, donated to that institution, about the sum of \$20,000 specie, from the commencement of the government to the present day. These funds, instead of being extravagantly used, have been expended according to the intention of the legislature, in the purchase of a philosophical apparatus and books, and partly in the payment of debts contracted for those buildings consumed in the late conflagration.

It is not pretended, that the State is not entitled to credit for these appropriations, in the furtherance of the cause of learning; but, on the contrary, all the honor to which they are entitled, is most cordially yielded, and it is cheerfully granted that they have done much good. Your committee only contend, that the people have been deceived as to the amount of the appropriations which have been made, not as they would hope, from any disposition on the part of any person, to misrepresent to them the true state of the case, but from a want of information on the subject; as they could not believe for a moment, that any man could be found in the community, who would be so lost to all moral principle, as, by a designed misrepresentation, to deceive the people on a subject so vitally important to the welfare of the country, and to the permanence of our free institutions. Your committee, having thus succinctly shown the real amount of patronage which the Transylvania University has derived from the legislature of Kentucky, will submit for your consideration, a few facts, for the purpose of showing that the patronage heretofore extended, instead of being extravagant, as has been misrepresented, is comparatively speaking, very moderate, and by no means as much as the institution would have a right to expect from the representatives of a liberal and generous people. When we examine into the history of our sister republics, we find that they have uniformly fostered and encouraged their literary institutions, by extending towards them, a liberality highly honorable and commendable. Most of the States have made liberal endowments to their Colleges and Universities. Among them, we find that the State of New-York, besides appropriating to her common schools, more than \$2,500,000, has given to those institutions devoted to the medical science, \$83,100, and to her Academies and Colleges, the sum of \$1,265,579. The State of Pennsylvania has bestowed on her University and Dickenson College, more than \$300,000. The State of South-Carolina has granted to Columbia College, in various kinds of property, \$400,000, and that College now receives an annual grant of about \$19,000; and last, though not least, our parent State, Virginia, has bestowed on her University at Charlottesville, about \$400,000, besides an annual endowment of \$15,000. Your committee believe these facts sufficient to establish the position they have assumed, and will conclude this part of their subject by reference to another fact, which they deem honorable to the enlightened age in which we live, and an evidence of the irresistible march of mind, and of the importance attached to the subject of education by those less civilized than ourselves, and less able than we are, to give it an enlightened consideration. By a treaty in 1822, the Choctaw nation of Indians, made a reser-



vation of \$120,000 for the education of their youth, and in furtherance of their views, the sum of \$6,000 is annually appropriated from that sum to the support of a very flourishing Academy, located in our own State, where, at this time, 91 Indian youths are receiving all the benefits and blessings to be derived from education. Subsequent to the above appropriation, an additional school fund was created by the Choctaw chiefs, arising from the sale of some of their lands. The Creeks and Potawatamies, in late treaties, have also made large reservations, destined to the same laudable object. When our sister republics have done so much upon this subject, and when even the savages who remain in our country, have made such liberal appropriations in the cause of education, it cannot be believed, that Kentucky, whose sons are always ambitious to be foremost in whatever is liberal, or productive of those improvements which tend to the perpetuity of our republican institutions, will think that the \$20,000 she has given to her University, is a lavish and useless appropriation of her funds.

Your committee are aware, that there is an opinion very prevalent in this community, that the Colleges and the University are institutions which are exclusively for the benefit of the rich and aristocratic portion of the people; that the poorer classes derive no advantages from them, and therefore, that the legislative patronage should not be extended towards them. Your committee believe, that this opinion is totally erroneous, and can be made to appear clearly so, if a little calm and unprejudiced consideration be given to the subject. It is true that the rich send their children to these institutions, but it is also, equally true, that it is a matter of but little importance to them, in a pecuniary point of view, whether such institutions exist in the State or not—if they do, they will avail themselves of the opportunity of educating their children near to their homes—if they do not, they will employ private teachers, or send their children to the Colleges and Universities in other States, where the policy of the government is wiser; and those children will return home, after having acquired a foreign education, foreign principles, and foreign habits, and with a fancied or real superiority over the youths educated in the country, calculated to excite distinctions and feelings dangerous to republican institutions. Your committee do not believe, that a University or College is, or ought to be, *exclusively* beneficial to any portion of the community. The rich can readily do without them—their existence in the country, is more for the advantage of the poor man, who, if he do not have them in his own country, must do without them entirely; for he has not the means of sending his children to a foreign country, to obtain their education; and thus, the children of the poor would be deprived of that fair and honorable competition for distinction, which, with equal education they would enjoy, because they cannot find the means of going abroad for the improvement of their minds. Your committee believe, that the opinions here given, will be fully verified by an examination of the history of the Transylvania University, and a knowledge of the young men who have been able to avail themselves of the opportunity afforded them, by its location and encouragement in the State, of obtaining an education, which otherwise they would have been entirely deprived of.

Your committee have a full knowledge of the difficulty of removing prejudices of the character of those last alluded to—they have, however, felt it their duty, to attempt it; and have been induced, from the importance of the subject, to say more in relation to the University, than under other cir-

cumstances would have been necessary. They will close this report, with one further suggestion: The University is the property of the people—the cause of education is admitted by all, both ignorant and intelligent, to be one of vital importance in preserving the purity of our republican institutions. There seems that a disposition exists in the legislature to do every thing to encourage its general diffusion among the people, both rich and poor, without distinction. The house of representatives have already adopted a system with that view, which it is sincerely hoped will meet with the consent of the senate, and the approbation of the Governor. This system will, however, be incomplete in one very important particular. For the purpose of the general diffusion of education among the people, primary schools are all-important; but these schools without teachers, will be useless, and with incompetent ones, may prove highly prejudicial to the best interests of the country. In them the earliest impressions are to be made on the minds of our youths, which will continue with them, forming and modifying their characters through life. It is essential, therefore, for the perfection of that system, and to ensure it a complete and happy success, to provide them with competent teachers, and to make the employment an honorable and respectable one. A school, therefore, should be constituted for this purpose. The Transylvania University, presents to us a fortunate opportunity for effecting that all-important object. Let the legislature provide by law, for the selection from the primary schools, which may go into operation under the system proposed in the several counties in the Commonwealth, a number of the most deserving and talented youths, corresponding with the number of representatives to the State legislature, to be apportioned among the counties according to the ratio of representation—let these youths be educated at the Transylvania University, at the expense of the State, for the term of four years. This plan will at once connect the University with the system of public schools, and make it an important component part of that system—it will do away much of the prejudice existing against it—it will afford that institution a certain annual revenue, sufficient for its ordinary purposes—it will prevent its ruin, and preserve to the State, an institution, which is not only very honorable, but also very profitable to it—it will create a strong inducement to the several counties of the State, to adopt the system of primary schools, and be an honorable incentive to the ambition of the youths, to excel in those primary schools for the purpose of arriving to that honorable distinction of being selected by their county, for their character, talents, probity and attention to their studies, and will educate a great number of young men, of whom many would devote themselves to the profession of education in the primary schools, and thus keep up a constant supply of competent and well educated teachers. The expense of this plan, would be but the moderate sum of about \$3,500 per annum—the advantage to the State and to posterity incalculable.

The suggestions made in this report, your committee beg leave to state, are not made with a view of obtaining, for the University, any appropriation from the present legislature. They are fully aware of the indisposition on the part of many, to make any appropriation. They know that there are others who are placed in a situation in which they cannot act freely on this subject—and again, others who are entirely disposed to do every thing for the University, which in reason could be asked of them, but whose freedom of action is restrained by motives and considerations always important with

the republican representatives of a free people. Indeed they are compelled, however reluctantly, to admit, that at this time it might be imprudent in the friends of the University, and lastingly injurious even to the institution itself, to anticipate the public will, and act unadvisedly upon the subject. No! their object is different—they ask only, that the legislature may lay the subject fairly before the people, and enable them to understand it. The people are, under our happy and republican constitution, the source of all legislative power, and legislative benevolence; let them decide the question. There is no doubt they will decide it correctly—there is no fear of the result. The people, in the exercise of their power, when properly informed, are always just—always generous. May the cause of humanity and learning, may the spirit of our republican institutions, may the genius of liberty aid and assist them in their calm and unprejudiced deliberations. We know that there is an all-seeing eye, ever watchful of our fortunes—an overruling Providence, which guards and protects us from stumbling in our path—a power that can draw the light from the darkness, educe good from evil, and convert misery and misfortune into happiness and prosperity. No doubt, that eye has seen some great object to be accomplished, unseen to our limited vision, from this serious calamity. *That* Providence, and *that* power, will be exerted to protect a cause in which the human race is so deeply interested, from any serious injury, and the Transylvania University will yet, Phœnix-like, arise from her ashes, renovated and endowed with fresh vigor, to be a pride and ornament to our State—a blessing to generations yet to come.

JOHN W. TIBBATTS,

*Chairman of the Joint Committee.*

*Ordered*, That the said report be laid on the table.  
And then the Senate adjourned.

TUESDAY, JANUARY 19, 1830.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz.

An act to establish an election precinct in Logan county, and for other purposes.

An act appropriating some of the vacant lands in Laurel and Knox counties to the improvement of a road.

An act for the benefit of the Cumberland Hospital; and,

An act for the benefit of widows and orphans.

And the adoption of a preamble and resolutions declaring the power of Congress to pass tariff laws, and to make internal improvements within the several States.

And their concurrence in a resolution from the Senate for the final adjournment of the General Assembly, with an amendment.

Mr. Wickliffe from the committee of courts of justice, to whom was referred, a bill from the House of Representatives entitled,



"an act for the benefit of the heirs of Stephen Thompson Mason, deceased," reported the same with the following resolution thereon, viz.

*Resolved*, That the said bill *ought not to pass*.

The said bill is as follows, viz.

Whereas, the devisees and representatives of Stephen Thompson Mason, deceased, two of whom are *femes covert* and one an infant, claim one thousand acres of land on the Ohio river, below the mouth of Tennessee, entered in the name of Clement Biddle the 7th of August, 1784, and surveyed 12th November, 1825, founded on military warrants from the Virginia State line, and the survey under the laws of Kentucky, was delayed by the claimants' agent, Cuthbert Anderson, deceased; and after its execution it was delayed by high water in its transportation to Frankfort, until the period for returning the same had elapsed: Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the devisees and representatives of Stephen Thompson Mason, deceased, be allowed to return said survey, and the Register is authorized and required to register the same and issue a grant thereon, as though the survey had been returned and registered in time: *Provided, however*, that no prior claim in law or equity shall be effected by said grant.

Mr. Wickliffe moved to amend the said resolution reported from the committee, by striking out the word "not."

And the question being taken thereon, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Wickliffe and Ray, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Cunningham, Edwards, Hughes, Miller, Payne, Ray, Summers, Taylor, Thompson, Thornton, Wickliffe and Wood—15.

NAYS—Messrs. Campbell, Faulkner, Fleming, George, Gibson, Green, Griffin, Hardin, Harris, M'Millan, M'Connell, Owsley, Rodman, Stephens, Townsend, Wall, White and Wingate—13.

Mr. Wickliffe from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act to amend civil proceedings," reported the same with the following resolution thereon, viz.

*Resolved*, That the said bill *ought not to pass*.

Which was twice read and concurred in; and so the said bill was disagreed to.

Mr. Wickliffe from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Jane Wright Latty and Nancy Davis Latty," reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Wickliffe from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act to enlarge the powers of the county courts as to constables' districts within their counties," reported the same without amendment.

The said bill is as follows, viz.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the several county courts in this State shall have the power and jurisdiction, three fourths of the magistrates in commission concurring, from time to time, to alter the constables' districts within their counties; they shall also have power and jurisdiction, the like majority concurring, from time to time, to increase the number of constables' districts within their counties, and to appoint additional constables for such additional districts; they shall also have power and authority, a like majority concurring, from time to time, to reduce the number of constables' districts in their counties, and when more than one constable shall reside in a district, they shall have a right to select which shall act as constable of the district.

Sec. 2. *Be it further enacted*, That no application shall be made to the Legislature for the enlargement of a constable's district, or for an additional justice of the peace or constable to any county, unless the like notice shall be given as is now required by law in applications to alter or change county lines.

The said bill was amended by striking out the second section; when Mr. Hardin moved to lay the same on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Ray, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, Faulkner, George, Green, Griffin, Hardin, Harris, Hughes, Maupin, Rodman, Rudd, Taylor, Thornton, White, Wickliffe, Williams and Wingate—20.

NAYS—Messrs. Brown, Cunningham, Fleming, Gibson, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Selby, Stephens, Summers, Thompson, Townsend, Wall and Wood—17.

Mr. Wickliffe from the committee of courts of justice, to whom was referred bills of the following titles, viz.

A bill to amend the laws in relation to guardians.

A bill more effectually to guard against fraud and collusion between sheriffs and constables and the defendants in execution,

And a bill for the benefit of the heirs of James Jennings, deceased.

Reported the same with an amendment to each of the two former.

Which were twice read and concurred in.

*Ordered*, That the said bills be engrossed and read a third time, the two former on to-morrow.

The rule of the Senate, constitutional provision and third reading of the latter bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The report made by Mr. M'Millan, from the committee of propositions and grievances on yesterday, in relation to building a mill dam across Rough creek, was taken up and concurred in.

Mr. Allen from the committee of Internal Improvements, to whom was referred bills from the House of Representatives of the following titles, viz.

An act to provide for the erection of a bridge across Kentucky river near the mouth of Benson.

An act to incorporate a company to erect a bridge across Licking river between the towns of Newport and Covington,

Reported the same without amendment, and the said bills were recommitted; the former to a committee of Messrs. Thompson, Wingate, Brown, Rodman, Harris, White, Gibson and M'Connell; and the latter to a committee of Messrs. Fleming, Stephens, Fulton, Allen, Barrett, Wall, Harris, Gibson and M'Connell.

Mr. Hardin from the committee of finance, reported a bill for the benefit of William K. Wall.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act to appropriate certain vacant lands in this Commonwealth to the use of the Mountsterling seminary," reported the same with the following resolution thereon, viz.

*Resolved*, That the said bill *ought not to pass*.

Which was twice read and concurred in, and so the said bill was disagreed to.

Mr. Hardin from the same committee, to whom was referred, bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of Gabriel L. Bourland.

An act to appropriate some of the vacant land in Casey, Wayne and Russell counties to improve the roads in said counties.



And an act appropriating certain vacant lands to the improvement of the public roads in the counties of Russell, Monroe, Allen and Cumberland,

Reported the same with amendments to each; which were severally twice read and concurred in.

*Ordered*, That the said bills be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills, as amended, do pass, and that the titles of the first and third be as aforesaid and that of the second be amended by striking out "Russell."

Mr. Hardin from the same committee made the following report, viz.

The committee of finance, to whom was referred the memorial of the heirs and representatives of the late Colonel William Steele, has had the same under consideration and report thereon:

In the session of 1824, an act of the General Assembly passed, authorizing the Governor to contract with some suitable and qualified person to begin on the east bank of the Tennessee river, in the line of thirty-six degrees and thirty minutes north latitude, and continue the line due east, to the Virginia line, plainly marking the same.

The object to be effected was to enable the purchasers of treasury warrants to locate the same, and appropriate the land south of Walker's line, and north of the true meridian of thirty-six degrees thirty minutes. Colonel Steele contracted with the Governor to run the line, and commenced the execution of the work on the east bank of the Tennessee river, run and marked a line about one hundred miles, and then struck a block of military surveys, went round them and commenced again on the east side, about twenty miles from where he stopped, and proceeded east, in all about one hundred and thirty miles, marking his line that far, except when he went round the military surveys. From that place he ceased to run and mark the line, but would go on Walker's line fifteen or twenty miles east, and then run south as far as he supposed the true line to be, and give the people notice; and then advance on Walker's line again about the same distance, run out and give notice again. In this manner he proceeded to the Virginia line; this is what he called keying the line.

In 1825, his claim, amounting to near \$2,800, was presented to the Legislature for payment.

The committee to whom the subject was referred, refused payment upon the grounds that he had not done his work in a manner to answer the purpose; and even that part which had been marked, they were fearful had been erroneously done. The committee, although they entertained an opinion unfavorable to the claim, yet reported a bill to pay him \$1,000, which was be-

tween six and seven dollars for each mile he marked. The bill passed and Colonel Steele drew the money.

In 1826 Colonel Steele died. In 1827 and 1828, the representatives of Colonel Steele presented a claim and demand similar to the one now presented, that is, for the residue of his account amounting to — after deducting the \$1,000 already paid him; which claim, each of those years, was refused by the Legislature, and the question is, shall the claim now be allowed? The committee unhesitatingly say it ought not. No part of the work of Colonel Steele would answer the purpose for which it was designed. The Legislature, satisfied of its inaccuracy from the representations of its members, who lived in the adjoining counties, determined by resolution, to have it run over again. A Mr. Matthews was employed to do the work, and who was every way qualified. Mr. Matthews did proceed and run and mark the true line, from the Virginia line to the Tennessee river, and found that no part of the line, as run by Colonel Steele, was correctly done.

With the last line as run by Matthews, the people, and also the State of Tennessee, are well satisfied. For this work Mr. Matthews has been paid about \$2,800. The work has already cost the State about \$3,800, a sum larger it is believed, than the amount which has, or ever will be received for land south of Walker's line.

Upon the principle of express contract, the claim cannot be supported; for Colonel Steele did not do what he undertook to do. Upon the principle of implied contract, arising out of the justice and equity of the claim, the present demand cannot be sustained, because Kentucky derived no benefit from what he did, in fact, paid him \$1,000 for nothing.

The committee submit the following resolution:

*Resolved*, That the claim of the heirs and representatives of the late Colonel William Steele *be rejected*.

Which was twice read and concurred in.

Mr. Harris from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to change the time of holding the Edmonson and Barren county courts, and for other purposes," reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe from the committee appointed for that purpose, reported a bill to incorporate the Lexington and Ohio river rail road company.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

On the motion of Mr. Harris—

Leave was given to bring in a bill to provide for building a bridge across Licking river, at West-Liberty in Morgan county; and Messrs. Harris, M'Connell and Wingate were appointed a committee to prepare and bring in the same.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the State of the Commonwealth, Mr. M'Connell in the chair; after some time spent in committee, the Speaker resumed the chair, and Mr. M'Connell reported that the committee had, according to order, had under consideration a bill concerning Transylvania University, and had gone through the same, and directed him to report it to the house without amendment.

Mr. M'Connell moved to recommit the said bill to a select committee.

The said bill is as follows:

Whereas, the principal building of Transylvania was, since the last session of the General Assembly, with a great part of the books and philosophical apparatus, consumed by fire, and the trustees of said institution have applied to the Legislature, through their committee, for relief and aid in rebuilding the edifice upon such terms and conditions as the Legislature should deem expedient: And whereas, it appears further to the Legislature, that the said institution is not now able to appropriate any sufficient available fund to the object aforesaid, owing to suits, which for the present embarrass the legacy devised to the said institution by the late Col. Morrison:

Sec. 1. *Be it therefore enacted*, That there shall be loaned out of the school fund, to the trustees of Transylvania, twenty-five thousand dollars, at an interest of six per centum per annum, the principal to be repaid out of the said Morrison estate, or such other funds as the said institution may have, so soon as they shall be requested so to do by the Legislature, and the interest to be discharged in the education fees of such poor children as shall be entered as such, by the executive for the time being. The fund so loaned, to be exclusively applied to buildings for the University and the purchase of books and apparatus for the same.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Auditor of Public Accounts, on the trustees of Transylvania filing in his office, a resolution of their board, or on an attested copy thereof, accepting of a loan on the terms aforesaid, to draw his warrant on the Treasurer for the amount, who shall direct the amount to be paid by the President and Directors of the Bank of the Commonwealth, out of the school fund belonging to the State,



in said institution, and such order shall be a sufficient voucher to said President and Directors to make the payment.

Mr. Hardin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Edwards, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Cunningham, Edwards, Faulkner, Fulton, Green, Griffin, Hardin, Hughes, Miller, Owsley, Ray, Rodman, Rudd, Stephens, Thompson, Thornton, Townsend, Wall and Wingate—22.

NAYS—Messrs. Fleming, George, Gibson, Harris, M'Millan, M'Connell, Payne, Selby, Summers, Taylor, White, Wickliffe, Williams and Wood—14.

And then the Senate adjourned.

### WEDNESDAY, JANUARY 20, 1830.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act to incorporate a company to build a bridge across Salt river at the town of Taylorsville.

An act for the benefit of Jarrett Willingham.

An act to authorize the copying of certain books in the surveyor's office of Clay county.

An act for the benefit of Edward Loe.

An act for the benefit of Jacob Hobbs; and,

An act to provide for the erection of bridges across Rockcastle river.

And that they had concurred in the amendments proposed by the Senate to bills which originated in that House of the following titles, to-wit:

An act in relation to the Georgetown and Cincinnati turnpike.

An act for the benefit of Richard Taylor and others.

An act to establish a State road from Berry's ferry on the Ohio river to Salem, and from Madisonville to Salem.

An act to amend the act extending the limits of the town of Versailles.

An act appropriating certain vacant lands to the improvement of the public roads in the counties of Russell, Monroe, Allen and Cumberland.

An act for the benefit of the heirs of Benjamin Mason, deceased.

An act for the benefit of Gabriel L. Bourland.

An act to appropriate some of the vacant land in Casey, Wayne and Russell counties to improve the roads in said counties.

And that they had adopted a resolution offering a reward for the discovery of the cause and specific cure for the disease called the milk sickness.

That they had concurred in the amendments proposed by the Senate upon concurring in the amendments proposed by that House to a bill which originated in the Senate of the following title, viz:

An act altering the time of holding the Washington circuit court.

And that they had concurred in the amendments proposed by the Senate to a bill from that House entitled, "an act allowing additional justices of the peace and constables to certain counties," with amendments.

And that they had disagreed to the amendments proposed by the Senate, to a bill from that House entitled, "an act to incorporate the Louisville Mutual Fire Insurance Company," and request a committee of conference.

Whereupon Messrs. M'Connell, Wickliffe, Selby and Hughes were appointed said committee.

A message was received from the Governor, informing the Senate that he had approved and signed bills which originated in the Senate of the following titles, viz.

An act for the benefit of Anner Taylor.

An act for the benefit of Mary Cale.

An act to declare the Bayou de Chien, Obion and Mayfields creek navigable streams.

An act for the benefit of John Cottrel and others.

An act for the benefit of Henry Waddle.

An act for the benefit of the widow and heirs of Benjamin Mason, deceased.

An act to legalize the proceedings of the court of assessment in the third regiment of Kentucky militia.

An act to incorporate the trustees of the Union meeting house in Logan county, and of the Union meeting house in Russellville.

An act to incorporate the trustees of the Union meeting house in Warren county.

A resolution to appoint committees to examine the public offices.

An act to authorize the county court of Owen county to sell and convey the lot of ground on which the old jail stands.

An act to change a part of the State road in Morgan county.

An act for the benefit of Phebe Barnes and children.

An act to authorize the insertion of advertisements in the Winchester Republican printed in Winchester.

An act for the benefit of the heirs of George Walters deceased.

An act for the benefit of Samuel Campbell, late sheriff of Caldwell county.

An act to regulate attachments in civil cases.

An act for the benefit of Jesse Corum.

An act to allow additional constables to Washington and Owen counties.

An act to allow an additional justice of the peace and constable for Garrard county.

A message in writing was received from the Governor by Mr. Cox, assistant Secretary.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz.

*Gentlemen of the Senate:*

I nominate for your advice and consent, William R. Stephens, to be lieutenant colonel of the 120th regiment, vice James Records resigned.

James Corbin, to be major of the same regiment, vice Wm. R. Stephens if promoted.

John Swansey, to be major of the 24th regiment, vice Alexander Coleman promoted.

Alfred Metcalfe, to be colonel of the 30th regiment, vice Woolford Wyatt resigned.

John R. Ringo, to be lieutenant colonel of the same regiment, vice Alfred Metcalfe if promoted.

Benedict H. Hobbs, to be major of the same regiment, vice J. R. Ringo if promoted.

John K. Thompson, to be major of the 77th, vice H. Hann resigned.

James W. Taylor to be Sergeant of the Court of Appeals of Kentucky, vice Richard Taylor resigned.

THOMAS METCALFE.

*Resolved,* That the Senate advise and consent to the said appointments.

*Ordered,* That Messrs. Wingate and Fleming inform the Governor thereof.

Mr. White presented the petition of John M. Foster, Register of the Land Office, praying an increase of his salary.

Mr. McConnell presented the petition of Porter Clay, Auditor of Public Accounts, praying an increase of his salary.

Mr. Wickliffe presented the petition of several of the devisees of Richard Taylor, deceased, praying that a law may pass authorizing the sale of certain slaves, devised to trustees by said Taylor for the use of his daughter Elizabeth S. Taylor, who is now the wife of Horatio Linn.

Which petitions were received, read and referred; the two



former to the committee of finance, and the latter to the committee of courts of justice.

Mr. Wickliffe from the committee of courts of justice, to whom was referred, a bill to incorporate the Lexington and Ohio railroad company, reported the same without amendment.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. M'Millan from the committee of propositions and grievances, to whom was referred, a bill from the House of Representatives entitled, "an act to authorize the people of Oldham county to select by vote a scite for their seat of justice," reported the same without amendment.

The said bill is as follows, viz.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the qualified voters of the county of Oldham are hereby authorized to vote for their permanent seat of justice in the following manner: The polls shall be opened at all the places in said county, at which elections are authorized by law to be held for the Representatives, on the first Monday in August next, and be held and continue open for three days, in the manner and under the same regulations that govern elections in this Commonwealth; and that the county court of said county shall, at their next July term, make such arrangements and appoint such officers as are necessary and required by law for conducting elections for Representatives, and each qualified voter as he comes to the polls, shall be requested by the judges conducting said election, to designate one of the places presented by this act for locating the permanent seat of justice for said county; and the votes so given shall be set down accordingly, in books to be prepared by the clerks of said election, under the direction of the judges thereof for that purpose; and the said county court of Oldham shall, in appointing judges to preside at each place at which polls are to be opened under the provisions of this act, appoint one in favor of Westport and one in favor of La Grange, which latter place is, by this act, put in nomination in opposition to Westport: *Provided*, such difference of opinion be found to exist in said county.

Sec. 2. *Be it further enacted*, That it shall be the duty of the judges and clerks of said election, to certify a list or lists of all the voters, and the place for which they voted, and forward the same to the clerk of the circuit court; after which the judge of said court shall hear and determine upon the illegal votes which may have been taken, and expunge the same; which list or lists of votes shall be acted upon at the first circuit court of said

county next ensuing said election. And the court having examined the polls, should they find that La Grange has a majority of all the qualified voters of said county, which number shall be ascertained by referring to the number on the commissioners books for 1829, then that place shall be the permanent seat of justice for said county: *Provided*, such number as aforesaid shall at least amount to fifty votes beyond a majority of the qualified voters of said county; and when the scite is so ascertained, the circuit court shall certify the same to the county court, which they shall enter of record.

Sec. 3. *Be it further enacted*, That the county court of said county shall, as soon as practicable after it be ascertained which scite shall be determined upon by a majority of the citizens, qualified voters of said county as their permanent seat of justice, to provide for and erect the necessary buildings for the use and accommodation of said county and the courts thereof.

Sec. 4. *Be it further enacted*, That it shall be the duty of the clerks of the circuit and county courts of said county, to remove the papers and records belonging to their respective offices, to the scite so chosen, so soon as suitable houses can be prepared and furnished for that purpose by the said county court; and the circuit and county court in and for said county shall, as soon as suitable buildings are provided for that purpose, at the scite so chosen, hold their respective courts therein, which shall thence forward be and remain the permanent seat of justice for said county of Oldham.

Sec. 5. *Be it further enacted*, That the circuit and county courts of said county shall continue to be held in the town of Westport, the present seat of justice, until a different scite be chosen by said qualified voters in the manner herein permitted: *Provided*, that only two scites shall be put in nomination, to-wit: La Grange and Westport.

Mr. Wickliffe moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Wickliffe, were as follows, viz.

YEAS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Hardin, Harris, M'Connell, Miller, Owsley, Payne, Ray, Rudd, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—22.

NAYS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Green, Griffin, Hughes, Maupin, M'Millan, Rodman, Selby, Stephens, Wall, Wingate and Wood—16.

The amendment proposed by the House of Representatives to a resolution from the Senate for an adjournment of the General Assembly, was taken up twice read and concurred in.

On the motion of Mr. M'Millan, he was excused from serving on the committee on the part of the Senate, appointed to examine the Treasurers office, and Mr. Stephens was added to said committee.

Mr. Hardin from the committee of finance, to whom was referred, the amendments proposed by the House of Representatives to a bill from the Senate entitled, an act for the benefit of Thales Huston, reported the same without amendment.

*Resolved*, That the said amendments be concurred in.

Mr. Wood from the committee of religion, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Polly Flowers," reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Thompson from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to provide for the erection of a bridge across the Kentucky river, near the mouth of Benson," reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of the said bill by Messrs. Faulkner and Miller, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Fulton, George, Gibson, Hardin, Harris, Hughes, Maupin, M'Connell, Owsley, Payne, Ray, Rodman, Rudd, Selby, Stephens, Summers, Taylor, Thompson, Thornton, Wall, White, Wickliffe, Williams, Wingate and Wood—31.

NAYS—Messrs. Faulkner, Fleming, Green, M'Millan, Miller and Townsend—6.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Hardin—A bill for the benefit of the widow and heirs of Robinson Shelburn, deceased; and,

By Mr. Harris—A bill to provide for building a bridge across Licking river at West-Liberty, in Morgan county.

Which bills were each read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with; the former



was ordered to be engrossed and read a third time; and the latter was referred to the committee of finance.

The rule of the Senate, constitutional provision and third reading of the latter bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe from the committee to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Wayne and Russell counties," reported the same with an amendment.

Which was twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title be, an act for the benefit of Wayne, Russell and Fayette counties.

Mr. Wingate from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of James Breathitt.

An act for the benefit of John Ferguson of Muhlenberg county.

An act to amend the act entitled, "an act to review a part of the State road leading from Franklin to Owenborough," approved, January 7th, 1829.

An act to establish an election precinct in Fleming county, and for other purposes.

An act to add a part of the county of Cumberland to the county of Monroe.

An act for the benefit of Charles H. Webb.

An act for the benefit of the heirs of George Stipp deceased, and of Mary Louisa Megowan.

An act allowing additional justices of the peace to certain counties; and,

An act for the benefit of Thomas I. Young.

And had found the same truly enrolled: that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Wingate reported that the committee had performed that duty.

Mr. Owsley from the committee appointed for that purpose, reported a bill to change a part of the boundary line between Rockcastle and Laurel counties.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A preamble and resolutions from the House of Representatives, declaring the power of Congress to pass tariff laws, and to make Internal Improvements within the several States, was committed to the committee of the whole house, on the State of the Commonwealth, for to-morrow.

The messages in writing received from the Governor on the fifth and seventh instant, were taken up and read as follows, viz.  
*Gentlemen of the Senate*:

I nominate for your advice and consent, Thomas Jasper, to be lieut. colonel of the 95th regiment, vice Wm. Heath resigned.

John Hill, to be major of the same regiment, vice Thomas Jasper if promoted.

THOMAS METCALFE.

*Gentlemen of the Senate*:

I nominate for your advice and consent, James C. Anderson, as lieut. colonel of the 81st regiment.

Mark Narlow, as major of the same regiment.

William Copper, lieut. colonel of the 36th regiment, vice S. Holloway removed.

Obadiah Tracy, major of the same regiment, vice Wm. Copper if promoted.

William Anderson, lieut. colonel of the 45th regiment, vice James Joliff removed.

Newberry Smith, major of the same regiment, vice Wm. Anderson if promoted.

And Asa Young, colonel of the 94th regiment, vice James Hall resigned.

THOMAS METCALFE.

*Resolved*, That the Senate advise and consent to the said appointments.

*Ordered*, That Mr. Wood inform the Governor thereof.

The amendments proposed by the House of Representatives to a resolution from the Senate fixing a day to elect public officers, was twice read and concurred in.

The amendments proposed by the House of Representatives upon concurring in the amendments proposed by the Senate to a bill from that House entitled, "an act allowing additional justices of the peace and constables to certain counties," were twice read and concurred in.

An engrossed bill entitled, an act for the benefit of John Hogan, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to extend the turnpike and wilderness road to Crab Orchard,

Was read the second time and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill entitled, an act to amend the law in relation to taking depositions, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Wood, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Faulkner, Fleming, Fulton, George, Gibson, Green, Hardin, Harris, Hughes, McMillan, McConnell, Miller, Owsley, Payne, Ray, Rodman, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickhffe, Williams, Wingate and Wood—33.

NAYS—Messrs. Edwards, Griffin, Maupin, Rudd and Selby—5.

*Resolved*, That the title of the said bill be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time and ordered to be read a second time:

1. An act to incorporate the Merchants' Louisville Insurance Company.
2. An act for the benefit of the devisees of Benjamin Threlkeld and Plummer Thurston.
3. An act for the purposes of opening a road from Bells, in Barren county, to the cross roads near the Simpson county line and the Tennessee State line.
4. An act to declare Big Caney a navigable stream, and for other purposes.
5. An act to amend an act entitled, "an act to incorporate the Kentucky and Ohio Bridge Company."
6. An act for the benefit of Francis Maraman and others.
7. An act requiring the clerk of the Court of Appeals to deliver over certain records to the Register of the Land Office.
8. An act to amend the charter of the City of Louisville; and,
9. An act for the benefit of John L. Elliott.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, the first, second, fourth, fifth and eighth were committed; the first, second and eighth to the committee of courts of justice; the fourth to a committee of Messrs. Harris, Green and McConnell; and the



fifth to the committee of Internal Improvements; the seventh was amended and together with the third, sixth and ninth bills, were ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said third, sixth, seventh and ninth bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. McConnell—

Leave was given to bring in a bill to provide for the future management of the Transylvania University; and Messrs. McConnell, Wickliffe and Thornton were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

#### THURSDAY, JANUARY 21, 1830.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz.

An act for the benefit of Thomas I. Wathen and Amelia Wathen.

An act for the benefit of Gideon Granger.

An act for the benefit of the Mayfield baptist society of Hickman county.

An act defining and declaring the true boundary line between the counties of Greenup and Lawrence.

An act to incorporate a company to turnpike a road from Frankfort to Lexington by way of Versailles.

An act to establish an election precinct in Pendleton county.

An act for the benefit of the devisees of John Faris, deceased, and Joshua Fry Lawrence.

An act concerning the Auditor's and Treasurer's offices, and for other purposes.

And that they have concurred in the amendments proposed by the Senate to a bill from that house entitled, "an act to provide for erecting a bridge across the Kentucky river near the mouth of Benson."

Mr. McConnell from the committee of courts of justice to whom was referred a bill from the House of Representatives entitled, "an act to amend and regulate the action of replevin," reported the same with amendments,

Which were twice read and concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

Mr. Wickliffe from the committee of courts of justice, to whom was referred bills from the House of Representatives entitled,

An act for the benefit of the shareholders in the Louisville Insurance Company.

An act to incorporate the Merchants' Louisville Insurance Company; and,

An act for the benefit of the devisees of Benjamin Threlkeld and Plummer Thurston.

Reported the same with amendments to the two latter bills; which were twice read and concurred in, and they, together with the first bill, were ordered to be read a third time.

The rule of the Senate, constitutional provision and third readings of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wickliffe from the same committee, to whom was referred, bills from the House of Representatives of the following titles:

An act to amend the charter of the City of Louisville; and,

An act to prohibit justices of the peace in this Commonwealth from receiving money on judgments by them rendered;

Reported the same with the following resolution thereon:

*Resolved*, That the said bills *ought not to pass*.

Which was twice read, and as to the former bill was placed in the orders of the day, and as to the latter bill concurred in, and so the said bill was disagreed to.

Mr. Wickliffe from the same committee, to whom was referred, the petition of several of the devisees of Richard Taylor, deceased, praying that a law may pass authorizing the sale of certain slaves devised to trustees by said Taylor, for the use of his daughter Elizabeth S. Taylor, reported the following resolution thereon, viz.

*Resolved*, That the said petition *be rejected*.

Which was twice read and concurred in.

Mr. Allen from the committee of Internal Improvements to whom was referred, a bill from the House of Representatives entitled, "an act to amend the several acts incorporating the Louisville turnpike company, and for other purposes," reported the same with an amendment, which was twice read.

The bill provides that the artificial part of the roads be constructed not less than "*fourteen feet*" in width, and the amendment proposes that they be constructed not less than "*eighteen feet*" in width.

And the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Ray, were as follows, viz:

YEAS—Messrs. Barrett, Campbell, Cunningham, Edwards, Faulkner, Fleming, Fulton, George, Gibson, Green, Hardin, Maupin, McConnell, Miller, Ray, Selby, Stephens, Taylor, Thompson, Thornton, Townsend, White, Wingate and Wood  
—24.

NAYS—Messrs. Allen, Brown, Griffin, Harris, Hughes, M'Millan, Owsley, Payne, Rodman, Summers, Wall, Wickliffe and Williams—13.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the committee of finance, to whom was referred the memorial of some of the stockholders of the Bank of Kentucky, and a bill from the House of Representatives entitled, "an act further to regulate the Bank of Kentucky," made the following report thereon, viz.

The committee of finance to whom was referred, the memorial of some of the stockholders of the Bank of Kentucky, has had the same under consideration and report thereon:

The memorial prays an inquiry to be made into the policy and expediency of compelling the President and Directors of the Bank of Kentucky, to wind up the concerns of the Bank as soon as possible, and to accomplish that object, that they be compelled to sell the real estate of the Bank, upon a credit of two, three and four years.

To that branch of the inquiry, the committee has bestowed every attention in their power. They have had the officers of the Bank before them, and also inspected their books; from the information obtained, the committee submit the following facts: On the 10th of December, 1829, the real estate of the Bank was \$347,303 14; this property is situated in different parts of the State. During the last year, the President and Directors sold real estate of the bank, to the amount of \$67,394 67, and since that time they have sold \$7,100 more. The committee are assured, by those officers, that they lose no opportunity of selling the property of the Bank, whenever a price can be obtained, that would not be considered too great a sacrifice.

The President and Directors are of opinion that should a law pass compelling and forcing a sale within a given time, say six and twelve months, those who were inclined to purchase, would not buy at a fair price, knowing it must be sold at all events within the time fixed by law, even if it should go at one half its value. In this opinion the committee concur and do verily believe such a regulation would greatly injure the interest of the stockholders; even the property sold last year, had to be sold at a loss of \$22,502 65. This loss is not a sacrifice of the property to that amount, but the difference between what it cost and what it sold for. Upon the other branch of the inquiry, the committee are of opinion, that the President and Directors should collect the debts due the institution as soon as it can be done, consistent with



the best interests of the Bank, and at the same time not to produce too great a pressure upon its debtors.

Representations have been made to the committee, and memorials presented, alleging that the salaries of the President, Cashier and Clerk were too high. They now stand thus, President \$800, Cashier \$1,200, Clerk \$1,000. Those representations alleged that the salaries ought to be reduced to the following sums: President \$600, Cashier \$750, Clerk \$600.

The committee have diligently inquired into the labors of those officers, and find that the duties of the Cashier and Clerk are as great and laborious as ever they were, and that the duties of the President have increased, by the necessity he is under of being one half of his time from Frankfort, in different parts of the State, attending to the real estate of the Bank, to make sales where it can be done, and where it cannot, to rent out the property; also, to attend to the law suits of the Bank and the collection of its judgments.

The committee are of opinion that the salaries are not too high; they consider them only a fair and reasonable compensation, and less than that would be unworthy of Kentucky. But besides, it would be impolitic to pay officers less than what their services are worth; it would produce this effect, incompetent men would get into office, and their necessities imposed upon them by the grinding parsimony of the State, would make them turn rogues and knaves.

It was also alleged that the Cashier or Clerk ought to sleep in the banking house. To this the committee answer, that the Cashier and clerk are men of families, and that the house is not constructed for a family to live in; the committee upon that subject, would further remark, they inquired how, and in what manner the Bank is taken care of in the night, and find that since the act of 1827, a trusty agent, (not a negro, as has sometimes been stated,) but a white man, has been procured by the Cashier and Clerk, and who has slept in the banking house every night, and since then the Bank has been well taken care of.

It was further intimated to the committee, that the Directors had received \$100 each, without having rendered services to that amount at two dollars per day. The committee have examined into that subject and find it stands thus: John Brown forty-two days, received \$84; James Shannon, twenty-four days received \$48; Mr. Wingate, forty-seven days, received \$94; Jacob Swigert, forty-six days, received nothing.

The committee has also had under consideration a bill which passed the House of Representatives, reducing the number of agents, and have bestowed upon it every attention in their power, by examining the officers of the Bank, and also the books, notes under discount, and in suit, and all the concerns of the Bank, and they are perfectly satisfied that the number of agents cannot be

reduced. Three are now employed, and less than three cannot do the business. Besides, the situation of the Bank is such within the districts of those agents, that none can ever be procured who understands it so well, and many losses would be sustained if they should be dismissed, and their agencies discontinued or changed. A great interest of the Bank is now in suits. None knows the nature of those controversies, and how to prepare them for trial so well as the agents. The Bank has a number of judgments in different courts; some of the debtors are endeavoring to avoid payment by fraudulent conveyances of their property. The agents are well acquainted with these transactions, and know better how to detect those frauds, than any person else. In conclusion, the committee give it as their most deliberate opinion, that the Bank, for the last two years, has been well managed, and its interest ably and vigilantly attended to.

The committee submit the following resolutions:

*Resolved*, That the President and Directors of the Bank of Kentucky, ought to wind up the concerns of the institution as soon as practicable, by selling the property of the Bank and collecting its debts, guarding at the same time against too great a sacrifice of the interest of the Bank, and not to produce too great a pressure upon its debtors.

*Resolved*, That the bill from the House of Representatives entitled, "an act further to regulate the Bank of Kentucky," ought not to pass.

Which was twice read and concurred in; and so the said bill was disagreed to.

Mr. Fleming from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to incorporate a company to erect a bridge across Licking river, between the towns of Newport and Covington," reported the same with amendments.

One of the said amendments proposes to add to the bill the following section, viz.

*Be it further enacted*, Should said bridge, either in its progress or after its construction, prove injurious to the navigation of Licking river, the Commonwealth shall have a right, by Legislative act, to have the same presented, and may prescribe by law the mode in which proceedings for that purpose may be had, and before what tribunal; and to add such conditions to the charter of the company as may to the Legislature appear necessary further to secure the navigation of said river from injury, from the further erection and continuance of said bridge.

And the question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fleming and Stephens, were as follows, viz.

YEAS—Messrs. Barrett, Campbell, Cunningham, Faulkner, Fleming, Fulton, George, Green, Hardin, Maupin, Miller, Owsley, Payne, Taylor, Thompson, Thornton and Townsend—17.

NAYS—Messrs. Brown, Edwards, Gibson, Griffin, Harris, Hughes, M'Millan, M'Connell, Ray, Rodman, Selby, Stephens, Summers, Wall, White, Wickliffe, Williams, Wingate and Wood—9.

The other amendments were concurred in.

The question was then taken on reading the said bill a third time as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fleming and Stephens, were as follows, viz:

YEAS—Messrs. Allen, Brown, Cunningham, Edwards, Gibson, Griffin, Hardin, Harris, Hughes, Maupin, M'Millan, M'Connell, Owsley, Payne, Ray, Rodman, Selby, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams, Wingate and Wood—29.

NAYS—Messrs. Barrett, Campbell, Faulkner, Fleming, Fulton, George, Green and Miller—8.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing the passage of bills which originated in the Senate, of the following titles, viz:

An act for the benefit of William K. Wall.

An act to amend the laws in relation to crimes committed on the Ohio, Mississippi and Big Sandy rivers.

An act to change the time of holding the Bullitt circuit court;

And an act to authorize James G. Lindsey of Campbell county to remove his ferry.

With amendments to the three latter bills.

And that they have concurred in the amendments proposed by the Senate to bills from that house of the following titles:

An act for the benefit of the devisees of Benjamin Threlkeld and Plummer Thurston; and,

An act to incorporate the Merchants' Louisville Insurance Company.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the State of the Commonwealth, Mr. Wingate in the chair. After some time spent in committee, the Speaker resumed the chair, and Mr. Wingate reported that the committee had, according to order, had under consideration a preamble and resolutions from the House of Representatives, declaring the power of Congress to pass tariff laws, and to make internal improvements within the



several States, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again;

Which leave was granted.

And then the Senate adjourned.

FRIDAY, JANUARY 22, 1830.

The Senate assembled.

A message was received from the House of Representatives announcing the passage of bills of the following titles, viz.

An act allowing an additional justice of the peace to Allen; and,

An act to invest the City of Louisville with the privilege of a separate representation, and for other purposes;

And a bill which originated in the Senate entitled:

An act to incorporate the Lexington and Ohio rail road Company.

Mr. Wingate from the committee of enrollments reported, that the committee had examined enrolled bills and resolutions of the following titles, and had found the same truly enrolled, to wit:

An act altering the time of holding the Washington circuit court, and for other purposes.

A resolution fixing a day to elect public officers.

An act to establish a State road from Berry's ferry on the Ohio river to Salem, and from Madisonville to Salem.

An act in relation to the Georgetown and Cincinnati turnpike.

An act for the benefit of Richard Taylor and others.

A joint preamble and resolutions upon the subject of wharfage exacted by certain towns on the Mississippi river.

An act concerning the public highways in the county of Fayette, and for other purposes.

An act for the benefit of Azra Offutt.

An act for the benefit of Russellville Lodge No. 17.

An act to amend "an act to incorporate certain turnpike road companies," approved January 29, 1829.

An act for the benefit of the settlers west of the Tennessee river.

An act to provide for the opening a road from Floyd courthouse to Little Sandy salt works, by way of Paintsville and Swetman's.

An act for the benefit of Thales Huston and others.

An act for the benefit of William K. Wall; and,

An act to incorporate the Merchants' Louisville Insurance Company.

And that said bills and resolutions had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature

thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Wingate reported that the committee had performed that duty.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the State of the Commonwealth, Mr. Faulkner in the chair; after some time spent in committee, the Speaker resumed the chair, and Mr. Faulkner reported that the committee had, according to order, had under consideration a preamble and resolutions from the House of Representatives, declaring the power of Congress to pass tariff laws, and to make internal improvements within the several States, and had gone through the same and made an amendment thereto; which he handed in at the clerk's table.

A message was received from the House of Representatives, announcing that they were now ready to proceed to the election of public officers.

Mr. Ray moved to take up the resolution read and laid on the table by him, on the 12th instant, in relation to the election of officers.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ray and Fulton, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Selby, Stephens, Wall, Wingate and Wood—16.

NAYS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, Hardin, M'Millan, M'Connell, Miller, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—21.

*Ordered*, That Mr. Wingate inform the House of Representatives that the Senate is now ready to proceed to the election of public officers.

A message was received from the House of Representatives announcing that Mr. James Davidson was in nomination before that House for the office of Treasurer.

*Ordered*, That Mr. Wingate inform the House of Representatives that Mr. James Davidson is in nomination before the Senate for that office.

The Senate proceeded to vote, and Messrs. Hardin and Wingate were appointed a committee on the part of the Senate, to meet the committee from the House of Representatives, to compare and report the joint vote.

After a short time. Mr. Hardin from the said committee reported that Mr. James Davidson had received a unanimous vote.

Mr. James Davidson was thereupon declared to be duly elected Treasurer of this Commonwealth for the ensuing year.

A message was received from the House of Representatives announcing that Messrs. Meriwether and Russell, Messrs. Dana and Hodges and Mr. Jacob H. Holeman were in nomination before that body for the office of public printer.

*Ordered*, That Mr. Wingate inform the House of Representatives that the same persons stand in nomination before the Senate.

The Senate proceeded to take the vote which was as follows:

For Messrs. Meriwether and Russell—Messrs. Allen, Barrett, Campbell, Fulton, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Selby, Stephens, Thompson, Wall, Wingate and Wood—16.

For Mr. Jacob H. Holeman—Messrs. Brown, Cunningham, Fleming, Gibson, Green, Hardin, M'Millan, M'Connell, Payne, Summers, Taylor, Townsend, White, Wickliffe and Williams—15.

For Messrs. Dana and Hodges—Messrs. Edwards, Faulkner, George, Miller, Owsley and Thornton—6.

Messrs. M'Connell, Edwards and Stephens were appointed a committee on the part of the Senate, to meet the committee from the House of Representatives to compare and report the joint vote.

After a short time Mr. M'Connell from the said committee, reported that the joint vote stood thus:

For Messrs. Meriwether and Russell	58
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For Mr. Jacob H. Holeman	50
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And for Messrs. Dana and Hodges	27
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No one having a majority of all the votes given.

Mr. M'Connell moved that a message be sent to the House of Representatives, informing that body that Messrs. Meriwether and Russell and Mr. Jacob H. Holeman only stand in nomination before the Senate, for the office of public printer; Messrs. Dana and Hodges having the lowest number of votes being dropped.

Mr. Harris informed the Senate that he was authorized to withdraw the nomination of Messrs. Meriwether and Russell, if Messrs. Dana and Hodges were permitted to be voted for.

Mr. Ray contended that Messrs. Dana and Hodges were still in nomination, but if they were not he would now nominate them.

A message was received from the House of Representatives by Mr. Anderson.

*Mr. Speaker*—I am directed by the House of Representatives to inform the Senate, that in the election of public officers, they will proceed to vote between all the persons in nomination until some person shall have a majority of votes.

And then he withdrew.

After a short time another message was received from the House of Representatives by Mr. Tibbatts.

*Mr. Speaker*—I am directed by the House of Representatives to inform the Senate that Messrs. Meriwether and Russell have



been withdrawn from nomination before that body, for the office of public printer, and that Messrs. Dana and Hodges and Mr. Jacob H. Holeman only, are in nomination for that office.

And then he withdrew.

Mr. Hardin moved the following resolution, viz.

Whereas, the Senate and House of Representatives went into the election of public printer in pursuance of the usage that the hindmost voted for, put in nomination, where there was no election, should be dropped; and whereas, in the election that took place a few moments ago, Dana and Hodges were the hindmost of three put in nomination, and there was no election.

*Resolved by the Senate,* That they will continue the election as it was commenced, and that they will not permit Dana and Hodges again to be put in nomination.

Which was twice read.

Mr. Ray moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ray, and Harris, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Harris, Hughes, Maupin, Miller, Ray, Rodman, Selby, Stephens, Wall, Wingate and Wood—17.

NAYS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, Hardin, M'Millan, M'Connell, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—20.

The question was then taken on adopting the said resolution, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Griffin and Wingate, were as follows, viz.

YEAS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, Hardin, M'Millan, M'Connell, Payne, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—18.

NAYS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Harris, Hughes, Maupin, Miller, Owsley, Ray, Rodman, Selby, Stephens, Summers, Wall, Wingate and Wood—19.

*Ordered,* That Mr. Wingate inform the House of Representatives that Messrs. Dana and Hodges and Mr. Jacob H. Holeman stand in nomination before the Senate for the office of public printer.

The Senate then proceeded to vote, which was as follows, viz. For Messrs. Dana and Hodges—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, George, Griffin, Hughes, Owsley, Ray, Rodman, Selby, Stephens, Wall, Wingate and Wood—16.

For Mr. Jacob H. Holeman—Messrs. Brown, Cunningham, Fleming, Gibson, Green, Hardin, Harris, Maupin, M'Millan,

M'Connell, Miller, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—20.

Messrs. Wingate and Williams were appointed a committee on the part of the Senate to compare and report the joint vote.

After a short time Mr. Wingate reported that the joint vote stood thus:

For Messrs. Dana and Hodges 71

For Mr. Jacob H. Holeman 62

Messrs. Dana and Hodges having received a majority of all the votes given, were declared duly elected public printers for the ensuing year.

After interchanging nominations with the House of Representatives for a President and two Directors of the Bank of Kentucky, and a President of the Bank of the Commonwealth of Kentucky,

The Senate proceeded to vote which was as follows:

*For President of the Bank of Kentucky.*

For Mr. Peter Dudley—Messrs. Allen, Barrett, Campbell, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Green, Griffin, Hardin, Harris, Hughes, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Stephens, Summers, Taylor, Thompson, Thornton, Wall, White, Wickliffe, Wingate and Wood—32.

For Mr. James W. Denney—Messrs. Brown, Fulton, Selby, Townsend and Williams—5.

Messrs. Henry Wingate and James Shannon received a unanimous vote for Directors of the Bank of Kentucky.

*For President of the Bank of the Commonwealth of Kentucky.*

For Mr. Francis P. Blair—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Hardin, Harris, Hughes, Maupin, M'Millan, Miller, Ray, Rodman, Selby, Stephens, Thompson, Wall, Wingate and Wood—20.

For Mr. James W. Hawkins—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, M'Connell, Owsley, Payne, Summers, Taylor, Thornton, Townsend, White, Wickliffe and Williams—17.

A committee was appointed on the part of the Senate to meet a committee from the House of Representatives, to compare and report the joint vote.

After a short time the committee on the part of the Senate reported that the joint vote stood thus:

For Mr. Peter Dudley 101

For Mr. James W. Denney 30

That Messrs. Henry Wingate and James Shannon had received a unanimous vote.

For Mr. Francis P. Blair 69

For Mr. James W. Hawkins 64

Whereupon Mr. Peter Dudley having received a majority of

all the votes given, was declared duly elected President, and Messrs. Henry Wingate and James Shannon were declared duly elected Directors on the part of the State, of the Bank of Kentucky, for the ensuing year.

And Mr. Francis P. Blair having received a majority of all the votes given, was declared duly elected President of the Bank of the Commonwealth of Kentucky, for the ensuing year.

And then the Senate adjourned.

SATURDAY, JANUARY 23, 1830.

The Senate assembled.

Mr. Harris from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to declare Big Caney a navigable stream, and for other purposes," reported the same with an amendment,

Which was twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title be amended by striking out "and for other purposes."

Mr. White from the joint committee appointed to examine the Register's office, made the following report, viz.

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the Land Office, have performed the duty required and report,

That they find transmitted from the Virginia Land Office, surveys in bundles, numbered from 1 to 273, neatly and newly labelled, with an alphabet; also, 25 bundles, containing the caveated and defective surveys, on which grants have issued; 4 bundles caveated surveys, 2 bundles defective surveys, and 1 bundle of surveys mislaid from their proper bundles, all neatly and newly labelled and recorded in 11 volumes well bound, with a complete alphabet; 2 bundles of warrants located and mislaid, 1 bundle copies of wills, 16 volumes, the record of grants issued on the aforesaid surveys, in good order with a complete alphabet; the record of military warrants from the Virginia Land Office in 2 volumes with alphabets, in good order; a list of Virginia Treasury warrants in 2 volumes; the records of pre-emption warrants in 1 volume; and one volume containing the record of warrants under the proclamation of 1763, with alphabets and in good order; commissioners' certificates granted in 1779-80, in 3 volumes, with alphabets in good order; the sale books of non-resident's lands for the years 1800, 1, 2 and 4, have a new alphabet (though the books are somewhat worn); the books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 are recorded, they find in good order with alphabets; 2 volumes



in which surveys have been registered since 1792, in good order. The said surveys are tied up in bundles numbered from 1 to 145, neatly labelled with an alphabet. The record of these surveys, together with the record of some grants in 11 volumes with an alphabet, in good order. The grants issued on the aforesaid surveys, are in 19 volumes, to which there is an alphabet in good order. The surveys on Headright claims are neatly registered in 3 volumes with two alphabets (one of which is somewhat worn.) The Headright plats and certificates of surveys are filed in bundles numbered from 1 to 312, neatly and newly labelled and are recorded in 17 volumes with two alphabets, in good order.— The grants issued thereon, are recorded in 28 volumes well bound, with two alphabets, in good order. Land warrants issued under the act of 1800, the surveys and grants on the same, as also the Tellico surveys and grants are in three volumes, they are registered in one volume, the original surveys tied up in 13 bundles neatly and newly labelled, all in good order; 9 bundles of certificates on which warrants have issued; 7 bundles certificates of sale of non residents' lands, on which deeds have issued; 1 bundle Attorney General's opinions to the Register; 3 bundles county court certificates; 7 bundles caveats since 1792; 4 bundles caveated surveys since 1792; 2 bundles of surveys not registered for want of fees since 1792; 1 bundle defective surveys since 1792; 39 bundles of vouchers, on which the late Kentucky land warrants have issued, all neatly and newly labelled and in good order; one volume containing the surveys under the proclamation of 1763, with an alphabet; 2 volumes of certificates granted in 1796; and 3 volumes in 1798, with alphabets; Anderson and Croghan's military entry books in two volumes, with alphabets; the transcript of Lincoln entries in 2 volumes, with an alphabet in good order; May's entries (so called) transcribed in 5 volumes with two alphabets in good order; 1 volume of Green's Deputy Register of surveys made previous to June 1792; one volume relinquishments in tolerable order; a list of Kentucky land warrants issued under the act of 1814, and subsequent acts in 2 volumes, and the record of said warrants in 10 volumes. The original surveys made on said warrants are tied up in 287 bundles neatly and newly labelled and recorded in 16 volumes well bound. The grants issued thereon recorded in 25 volumes, with 2 alphabets, in good order; the said surveys are neatly registered in 3 volumes, with two alphabets, in good order; 3 volumes in which caveats are recorded with alphabets; 11 books of original entries from the county of Fayette, neatly transcribed in 4 volumes, well bound with an alphabet, in good order, agreeably to an act of Assembly approved 5th January, 1824; one book of original entries from the county of Mercer, one from Bourbon and one from Nelson, have been returned by the surveyors of said counties to the Register's Office, agreeably to the requisitions of an

act of Assembly, approved February 12th, 1820. all of which books of entries are in order fit to be used. The surveyor of Jefferson county has failed to return the original entries of that county to the Register's Office, as your committee have been informed by the Register. One volume of military grants for land west of the Tennessee river; one volume in which the surveys of that land are registered, and one volume in which they are recorded; the surveys are neatly tied up in 6 bundles, each volume having a separate alphabet; one volume in which certificates of sales of land west of the Tennessee river are recorded; two volumes of grants issued thereon, with alphabets in good order; one volume of Henderson's field notes, (this book is not well bound;) one volume in which surveys of lands south of Walker's line are recorded; two volumes of grants; one volume in which the same are registered with alphabets in good order; the surveys of the lands are tied up in 19 bundles neatly labelled; one volume of the list of warrants south of Walker's line; one volume in which those warrants are recorded; one volume in which the surveys on forfeited lands are registered; one volume of the record of surveys; one volume of grants on the same, with alphabets in good order; 5 bundles certificates of sale of lands west of the Tennessee river, on which grants have issued neatly and newly labelled.

Your committee would here remark, that the alphabet to the Headright Register before spoken of as being somewhat worn, is also so much defaced from common use, that your committee are of opinion that it ought to be transcribed, which matter was by your former committee suggested to this House.

The Register exhibited great promptitude in attending to and assisting us in the necessary examination of his office and afforded every facility therein, that could have been asked. All of which is respectfully submitted.

Your committee are satisfied from the examination they have made, that the business in the Land Office since 1825, has greatly increased, owing principally to the reduction of the price of land warrants and the bringing into market, the lands in the State of Tennessee, south of Walker's line, and the lands west of the Tennessee river. Your committee are also satisfied that the Register pays about nine hundred dollars annually for clerks, owing to the increased labours of the office.

SAMUEL W. WHITE,  
WILLIS GREEN,  
W. C. PAYNE,

*Committee of Senate.*

A. JONAS,  
WILLIAM SMITH,  
JAMES TRUE, JR.  
HUBBARD TAYLOR,  
JOHN LEWRIGHT,

*Committee of House Representatives.*

On the motion of Mr. Thornton—

*Ordered*, That the public printer print one hundred and fifty copies of the report of the committee of finance made on the 21st instant, in relation to the Bank of Kentucky.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act for the benefit of the heirs of James Frazer.

An act to exempt the United States' mail carriers from the payment of toll on the turnpike and wilderness road.

An act to appropriate the fines and forfeitures of Hardin, Green and Campbell counties to the use of their respective county seminaries.

An act for the benefit of the Frankfort and Shelbyville turnpike company.

An act for the benefit of Nicholas Hocker and Charles Wallace; and,

An act to amend the election laws of this State.

That they had passed bills which originated in the Senate of the following titles, viz.

An act for the benefit of the widow and heirs of Robinson Shelburn, deceased.

An act to amend "an act appointing commissioners to lay off and mark a State road from Harrodsburg to Smithland, in Livingston county," approved, February 9, 1828.

An act for the benefit of John Hogan.

An act for the benefit of Kitty B. Gray and the President and Directors of Greensburg Branch Bank.

An act to amend the several laws concerning the trustees of the town of Lexington.

An act to organize a fire company in the town of Augusta.

An act to regulate the fees of the clerk of the Court of Appeals and other clerks.

An act to change the name and to authorize the election of trustees to the town of Connersville, Boone county; and,

An act concerning the General Court.

With amendments to the four latter bills.

And that they had concurred in the amendments proposed by the Senate, to bills which originated in the House of Representatives of the following titles, viz.

An act to incorporate a company to erect a bridge across Licking river, between the towns of Newport and Covington.

An act requiring the clerk of the Court of Appeals to deliver over certain records to the Register of the land office.

An act to amend the several acts incorporating the Louisville turnpike company and for other purposes.

An act for the benefit of Polly Flowers.



An act allowing additional justices of the peace and constables to certain counties; and,

An act for the benefit of Wayne and Russell counties.

A message in writing was received from the Governor by Mr. Cox, assistant Secretary of State.

Also, a message announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz.

An act to provide for the opening a road from Floyd court house to Little Sandy salt works, by way of Paintsville and Swetman's.

An act altering the time of holding the Washington circuit court, and for other purposes.

A resolution fixing a day to elect public officers.

An act for the benefit of Russellville Lodge, No. 17.

An act to amend "an act to incorporate certain turnpike road companies," approved, January 29, 1829.

An act concerning the public highways in Fayette county, and for other purposes.

An act for the benefit of Azra Offutt.

An act for the benefit of the settlers west of the Tennessee river.

An act for the benefit of Thales Huston and others; and

An act for the benefit of William K. Wall.

The Senate took up the preamble and resolutions from the House of Representatives, declaring the power of Congress to pass tariff laws, and to make Internal Improvements within the several States.

The said preamble and resolutions are as follows, viz.

The committee on Internal Improvements, to which was referred, those parts of the message of the Governor, relating to the Tariff and Internal Improvements, and communicating the proceedings of certain States in the Union, against particular measures of the general government, which they consider unauthorized and contrary to the constitution of the United States, have, according to order, had the same under consideration, and having selected the proceedings of South-Carolina, as most demanding attention, from their greater scope, as well as from the tendency of some of the principles avowed—the committee recommend to the house, the following answer and resolutions, which, if adopted by the house, should be afterwards transmitted to the other branches of the legislative government for their consideration, and if concurred in by them, will serve as a reply, not only to the State of South-Carolina, but to the other States, which, agreeing with South-Carolina in opinion, have thought proper to communicate their proceedings to the Governor of Kentucky, to be laid before its legislature.

The General Assembly of Kentucky has bestowed upon the resolutions of South-Carolina, all the attention required by their

importance, their dignified source, and especially by the consideration, that a member of this Union declares itself to be seriously aggrieved by acts of the general government, which it arraigns and fully believes to be repugnant to the constitution of the United States. That this is the deliberate opinion of South-Carolina, cannot be doubted, since at three different sessions of its legislature, in 1825, 1827 and 1828, it has been repeatedly and solemnly expressed. The measures of the federal government, of which this opinion has been declared, are principally those which relate to the Tariff and Internal Improvements. The State of South-Carolina has confined itself chiefly to a simple annunciation of its opinions and convictions, without entering into a train of reasoning, by which they were formed. It might be sufficient for the General Assembly of Kentucky to imitate the example; but it is thought to be due to the occasion and the interests of the people committed to its charge, that it should state some of the considerations, which have led to the conclusion at which it has arrived.

In respect to the Tariff, the State of South Carolina asserts in its resolution of 1825—

1st, "That a right to impose and collect taxes, does not authorize Congress to lay a tax for any other purposes than such as are embraced in the specific grants of power, and those necessarily implied therein."

2nd. "That Congress ought not to exercise a power granted for particular objects, to affect other objects, the right to affect which has never been conceded."

And 3dly, "That it is an unconstitutional exercise of power on the part of Congress to lay duties to protect domestic manufactures."

By its resolutions of 1827, it asserts, 4thly, "That the constitution of the United States, is a compact between the people of the different States with each other, as separate independent sovereignties; and that for any violation of the letter or spirit of that compact by the Congress of the United States, it is not only the right of the people, but of the legislatures who represent them, to every extent not limited, to remonstrate against violations of the fundamental compact."

5thly, "That the acts of Congress known by the name of Tariff laws, the object of which is not the raising of revenue or the regulation of foreign commerce, but the promotion of domestic manufactures, are violations of the constitution in its spirit, and ought to be repealed."

And by its resolutions of 1828, it asserts, 6thly, "That the measures to be pursued consequent on the perseverance in this system, are *purely questions of expediency and not of allegiance*, and that for the purpose of ascertaining the opinion, and inviting the co-operation of other States, a copy of these and the resolutions heretofore adopted by this legislature, be transmitted to

the Governor of the several States, with a request that they may be laid before the several legislatures to determine on such ulterior measures as they may think the occasion demands."

The General Assembly of Kentucky, finds itself unable to concur in all these opinions. Some of them, indeed, might be admitted, without adding any strength to the conclusion which they are asserted to sustain. This observation applies to the first, second and fourth of the opinions avowed by South-Carolina. Undoubtedly Congress ought to impose *no* tax for purposes, "other than such as are embraced in the specific grants of power and those necessarily implied therein." Nor ought Congress "to exercise a power granted for particular objects to effect other objects, the right to effect which, has never been conceded" by the constitution of the United States. So far as the resolutions of 1827, declare a right, either on the part of the States, in their sovereign character, or of the people, to remonstrate against violations of their constitutions by the government of the United States, the right is undeniable.

The grant in the constitution to Congress, of the power to lay and collect taxes, duties, imposts and excises, is without limitation, except that they shall be uniform throughout the United States, and except also in the case of direct taxes, that they are to be apportioned among the several States, according to their respective numbers, determined by a prescribed rule. It cannot be pretended that duties, imposed to protect American productions, with which rival productions of foreign nations come in competition, fall within either of those exceptions. Nor, if the qualification were conceded, which is sometimes insisted upon, of this general taxing power, that is, that it is to be exerted to pay the debts, and provide for the common defence and general welfare, would much aid be derived to the argument, which maintains the unconstitutionality of such duties.

Without dwelling longer upon that particular clause in the constitution of the United States, the General Assembly conceives that another clause clearly grants the power in question. It is that which gives to Congress the power "to regulate commerce with foreign nations." Art. 1. Sec. 8. It is given without restriction or qualification. It ought to have been so conferred upon a government, which, by universal consent, has the exclusive control of our commercial and other intercourse with foreign nations. How, otherwise, would it have been possible for Congress to guard and protect the interests of the United States against the varying and infinitely diversified policy of foreign powers? If equality of commerce and navigation on one side, ought to be met by equality on the other, prohibition on the one side, ought to be countervailed by prohibition on the other. Between the points of perfect equality and absolute prohibition, there are many intermediate shades of difference, discernable in the commer-



cial codes of foreign nations. There is not, it is believed, with a very few exceptions, a commercial nation in the world, which practically offers to the United States perfect equality; whilst many of them, and especially those with which they have most intercourse, measure out to them prohibition after prohibition, to the entire exclusion of some of the most valuable products of the Union. Would it not have been unwise in the people of the United States, to have tied the hands of their government, as to commercial regulations, whilst those of foreign powers should be free to inflict on the commerce of the United States any injury, prompted by their policy, their jealousy or their cupidity? Would it have been possible for the framers of the constitution, to have foreseen and provided for all the exigencies that might arise out of the commercial policy of foreign powers, by defining the precise manner in which the grant of the power to "regulate commerce," should be exercised? If it be said, that the object of protecting the products of American industry, is not *specified*, as the purpose of the grant of the power to "regulate commerce," besides the answer already given, the further answer immediately occurs, that no other purpose is specified; and if the want of the specification of the object of protection, prevent the exercise of the power to that end, the want of the specification of every other object, would prevent the exercise of the power in relation to any and every other object. And thus it would happen, that the grant of a power unlimited and unrestrained, would amount to a mere nullity; and the general government would be disarmed of many of the powers necessary to constitute it a safe depository of the rights, of the interests, and of the independence of the Union.

But it may be urged, that the regulation of commerce implies its continued existence, and that whatsoever be the nature of the regulation, it must not be such as to destroy the subject to be regulated. If Congress were to attempt to annihilate the commerce of the United States, there might be force in this argument. But no such attempt is made by the laws in question. Commerce embraces a vast variety of subjects. The imposition of protecting duties on some articles, or even the absolute prohibition of them, would not amount to its destruction, nor would the general commerce of the country be thereby ultimately affected. All other articles would remain for commercial operations, and the encouraged industry of the United States would supply additional subjects, counterbalancing those which might be excluded. If the regulation of commerce mean any thing, it must be the prescription of the terms and conditions on which it is admitted and carried on. Congress possessing an unqualified power to prescribe those terms and conditions, is bound in the exercise of it, to guard and protect the prosperity of the United States, or in the language of the constitution, "to provide for the

general welfare." And if that object require such a regulation of foreign commerce, as will foster our domestic manufactures, Congress is surely authorized to enact the regulation.

The power in question, in conformity with these principles, has been repeatedly exercised since the adoption of the present constitution; and that too without denial or complaint of the constitutional power of Congress. A large majority of the States and of the people of the Union, including, it is confidently believed, the States of South-Carolina, Virginia and Georgia, sanctioned the exercise of it in the instance of the Embargo, by which commerce with all nations was indefinitely suspended.

It must have been well known to the American Statesmen who formed the federal constitution, pre-eminently skilled, as all admit them to have been, in the history of the policy of the commercial nations of the world, that it was by regulations of commerce that the British government had systematically and uninterruptedly protected and encouraged the domestic industry and manufactures of that country; that such protection and encouragement were prominent and characteristic objects of the policy of that government, and entered into all its commercial regulations, connected with those subjects, the production or manufacture of which it was designed to favor. When, therefore, with this knowledge, they formed a constitution, granting to Congress a general and unqualified power to "regulate commerce," it must have been understood that the power might be used to cherish and foster the domestic industry and manufactures of the States, as it had been elsewhere and every where used. And if it had been intended, to exclude from the general grant of the power to "regulate commerce," the right to exercise it for the common and familiar purpose of encouraging domestic industry and manufactures, that exclusion would most certainly, in some way, have been expressed.

That the constitution of the United States *was* so understood and interpreted by many of its illustrious framers and their contemporaries, is a fact demonstrable by unequivocal evidence. It would swell the argument unnecessarily on this point, to offer at length the authorities that might be adduced in support of it. A brief abstract of the opinions of some of the most distinguished, is all that will be attempted.

After the adoption of the federal constitution, the first Congress met in April, 1789. Earlier than any other, the important subject of revenue claimed attention. The debates which have been preserved, shed much light on the views of national policy, as expressed by the members of that enlightened assembly.

On the third day of the session, the house being in committee of the whole—Mr. Madison, after a few observations on the great subject of finance and the deficiencies in the federal treasury, suggested the necessity of immediately adopting some mea-

asures upon the subject of national revenue. With this object in view, he produced a resolve, specifying certain articles, upon which an impost was proposed to be laid."

On the next day, the house being still in committee on the state of the Union, "Mr. Madison said, that with respect to the resolve before the committee, his design was to have proposed a temporary system. He, however, perceived gentlemen were much divided. He conceived that very powerful motives existed, to induce the adoption of a plan that should come into immediate operation, &c. He remarked that some of the articles proposed, *had reference to the encouragement of our own manufactures.*"

This resolution of Mr. Madison was subsequently withdrawn, as constituting a temporary system only, and he then moved, "that it is the opinion of this committee, that a committee of the house ought to be appointed to prepare a draft of a bill to regulate the collection of duties on imposts and tonnage within the United States." The motion was adopted, and after some discussion, duties were imposed upon a variety of articles, among them were Jamaica spirits, wines, sugars, coffee, beer, candles, cheese, shoes, unwrought steel, &c. "This article," says the reporter, "caused a long and interesting debate; it being contended on the one hand, proper to *encourage the growing manufacture of that article*; and opposed, on the other, as a tax on agriculture and all mechanic arts, in which steel tools, &c. were necessary." "Mr. Gilman, from New-Hampshire, moved to have the article of hemp, struck out of the enumeration."

"Mr. Hartley observed, that there appeared to him an inconsistency in the proceedings on the business. The committee had just resolved, that a duty should be laid on cables and cordage, and it was now proposed to tax the principal material of that manufacture. If the object was to *protect the manufactures of the country*, it was absurd to discourage the importation of raw materials, essential to those manufactures. It was, indeed, of importance to *encourage American productions*: but was it of higher importance than ship building? It was the policy of all manufacturing countries, to encourage the importation of the raw material. To lay a duty on hemp would be giving a fatal blow to the manufacture of cordage."

Mr. Moore, from Virginia, "conceived it not only the interest of the State he represented, but of every part of America, to *encourage the raising of hemp.*"

"Mr. Heister observed, that the hemp of this season was already sown, so that the farmer would not profit by any *encouragement this year*. He did not, therefore, wish to render the duty heavy at present. It might be proper in a year or two to increase it."

"Mr. White opposed the motion for striking out the article,



and was rather for filling it up with a larger sum. He moved that the blank be filled up with 17 cents."

"Mr. Lawrence imagined, that the article of hemp was not raised at present in sufficient quantities, to warrant any extraordinary duties, which might in the end operate as a prohibition. If the duty on hemp was higher than on cordage, it would be the interest of the merchant to import the latter, to the discouragement of the manufacture here."

"Mr. Scott, from Pennsylvania, observed, that commerce and agriculture were inseparably connected, and that nothing commercial ought to be adopted, which would injure agriculture, on which it so essentially depended. He disapproved of the immoderate zeal in favor of manufactures."

"Mr. Boudinot moved for 50 cents. The question on that sum was taken and carried." (See *American Museum for 1789*—pp 418. 423—vol. 5.)

The deliberations of Congress on this subject. resulted in the passage of a law, entitled "an act for laying a duty on goods, wares and merchandizes imported into the United States:" the preamble of which was as follows:

"Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the ENCOURAGEMENT and PROTECTION of DOMESTIC MANUFACTURES, that duties be laid on goods, wares and merchandizes imported: Be it enacted, &c."

It will not escape observation, that this act was not only sanctioned but projected by men, who had aided in the formation of the Federal constitution; and as if to mark its connexion with the memorable event that preceded it, was approved by President Washington, on the 4th July, 1789.

"The immoderate zeal in favor of manufactures" seems not to be confined to the present day, but to have entered into the profound and enlightened deliberations of the fathers of the constitution, upon next to the first act that is to be found upon the statute book of the nation. The conclusion deducible from circumstances like those, cannot be resisted.

The opinions of Mr. Jefferson, are no less unequivocal. He was not a member of the first Congress, nor of the convention that formed the constitution of the United States; but he was deeply skilled in the science of our government, and no man was more jealous of its constructive powers.

In his message to Congress in 1803, Mr. Jefferson said, "The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation in which we have been thus forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing

and little doubt remains, that the establishments formed and forming, will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of *protecting duties and prohibitions*, become permanent."

Pardonable as it might be, on a subject of such importance, to array against the positions assumed by South-Carolina, the recorded opinions of those eminent Statesmen, who lived when the government was founded, and who aided in rearing its magnificent structure, recommended as their opinions are, to our confidence, by the purity of their lives, by the elevation of their characters, and by their generous devotion to the cause of independence, one additional authority only, will be adduced, before this branch of the discussion is disposed of. It is the opinion of Mr. Madison, the sole survivor of that venerable body, which composed the convention of 1787.

In a letter to Joseph C. Cabell, dated 18th September, 1828, in which the question "of the constitutionality of the power in Congress, to impose a Tariff for the encouragement of manufactures," was the subject before him, Mr. Madison says: "It is a simple question under the constitution of the United States, whether the power "to regulate trade with foreign nations," as a distinct and substantive item in the enumerated powers, embraces the object of encouraging by duties, restrictions and prohibitions, the manufactures and products of the country? And the affirmative must be inferred from the following considerations:

"1. The meaning of the phrase, to regulate trade, must be sought in the general use of it; in other words, in the objects to which the power was generally understood to be applicable, when the phrase was inserted in the constitution.

"2. The power has been understood and used by all commercial and manufacturing nations, as embracing the object of encouraging manufactures; it is believed that not a single exception can be named.

"3. This has been particularly the case with Great Britain, whose commercial vocabulary is the parent of ours.

"4. Such was understood to be the proper use of the power by the States, most prepared for manufacturing industry, whilst retaining their power over foreign trade.

"5. Such a use of the power by Congress, accords with the intention and expectation of the States, in transferring the power and trade from themselves, to the government of the United States.

"6. If Congress have not the power, it is annihilated for the nation; a policy without example in any other nation, and not within the reason of the solitary one of our own.

"7. If revenue be the sole object of a legitimate impost, and the encouragement of domestic articles be not within the power

of regulating trade, it would follow that no monopolizing or unequal regulations of foreign nations could be counteracted.

"8. That the encouragement of manufactures, was an object of the power to regulate trade, is proved by the use made of the power for that object, in the first session of the first Congress, under the constitution; when among the members present, were so many who had been members of the Federal Convention, which framed the constitution, and of the State conventions, which ratified it."

"A further evidence in support of the constitutional power, to protect and foster manufactures by regulations of trade, an evidence that ought of itself to settle the question, is the uniform and practical sanction given to the power by the general government for nearly forty years; with a concurrence or acquiescence of every State government throughout the same period; and it may be added through all the vicissitudes of party, which marked the period."

That a large majority of the Union has hitherto approved the particular exercise of the power now in question, and complained of by South-Carolina, will not be denied. A large majority of the Union believes such an exercise of power, necessary to the prosperity of the whole.

The General Assembly of Kentucky, cannot admit the right of a minority, either of the States or of the people, to set up their opinion not only in opposition, but to overrule that of the majority. And it cannot but view with regret and surprize, the assertion of the State of South-Carolina—"That the measures to be pursued, consequent on the perseverance in this system, are purely questions of expediency, and not of allegiance." The consequences of such a principle, if practically enforced, would be alarming in the extreme. Scarcely any important measure of the general government is ever adopted, to which one or more of the States are not opposed. If one State have a right to obstruct and defeat the execution of a law of Congress, because it deems it unconstitutional, then every State has a similar right. When the dissatisfied State opposes to the act of Congress its measures of obstruction, the alternative is presented, shall the act be enforced within the particular State, or be abandoned by Congress? If enforced, there is a civil war; if abandoned, without being repealed, a virtual dissolution of the Union. As the successful exercise of the power of resisting an act of Congress by one State, would naturally stimulate other States, disapproving other acts of that body, to similar resistance, the practical result would be, that Congress could adopt and enforce no measure whatever, to which any one of the twenty four States might be opposed. It is in vain to say that the tariff is characterized by the most enormous injustice—who is to be the judge of that enormity? Who is to prescribe the limit of enormity, which will au-



thorize resistance, and that which falls short of conferring that right? History and the nature of man demonstrate, that when his prejudices are aroused and his passions inflamed, it is not difficult to persuade him, that mild and equitable laws, are fraught with the most abominable injustice.

Nor can the State of South Carolina derive the smallest aid, in sustaining its doctrine of resistance to the federal authority, from the manner in which the constitution was formed; whether it was the work of the people of the United States collectively, or is to be considered as a compact between sovereign States, or between the people of the several States with each other, there is, there can be, there ought to be but one rule, which is, that the majority must govern.

Of course, the General Assembly does not now mean to speak of, or to deny that there may be, acts of government, of such extreme oppression, as to justify, if there be no other remedy, an appeal to arms. When such cases unhappily—and it is fondly to be hoped they never will—arise, they furnish their own laws: And it is the bounden duty of those who believe in the existence of such extreme oppression, to estimate well the probabilities and the perils of forcible resistance. The State of South Carolina is not supposed to have intended to assert, that the system of measures denominated the tariff or the American system, presents a just cause of civil war; but that without producing civil war, that State may lawfully resist the execution of the system within its jurisdiction. It is therefore, the ordinary rule of the federal government, and not the extraordinary cases referred to, which should form the subject of our present inquiry.

The right of the majority to govern, flows from the fitness of things. It is the law of nature, because it is the dictate of reason, applied to human society. A measure is proposed in the legislative halls, to advance the common happiness of a nation. The opinions of the members are divided. Which party is to govern? When the majority of the nation speaks through its constitutional organs, the first principles of the government are lost sight of, unless the voice of that majority is obeyed. The presumption at once arises when an act receives the sanction of a majority of the representatives of the people, that a majority of the people themselves requires and approves it. What is the voice of the majority in Congress, but the voice of the people, speaking by proxy? How absurd would it be, therefore, for the few to impeach the conduct of the many—for an inconsiderable portion of the States to menace the subversion of the government, the dissolution of the Union, because the many demand the adoption of a measure, which, in the opinion of the few, militates against *their* interests? Previously to the war of 1812, a large proportion of the American people, indignant at the accumulated wrongs of the British government, claimed at the hands of their

representatives in Congress, a declaration of hostilities against England. It was an act of sovereignty, the exercise of which, the majority of the people had the constitutional right to demand. The minority that availed themselves of that occasion, to threaten the dismemberment of the Union, was regarded universally, as an unprincipled faction; and the posture in which impartial history will present them to future times, ought ever to operate as an example to deter rather than to be imitated. If the great interests of the Nation are to be promoted by the encouragement and protection of domestic industry, on what principle of reason, or of sound policy, should those interests be abandoned? Does not self preservation—does not national independence—do not the future glory and stability of our institutions require, that the end of all laws should be the advancement of the *general* welfare? It may be said, that the majority may be mistaken. They may be; and so may the minority. The chance of error is greater with the smaller than the larger number. And even if the majority prove to have erred, they will be more contented to bear the ills of their own making, than those which would be brought upon them, or which they would fancy were brought upon them, by the success of the minority.

But this right of the majority to govern, clear as it is upon the ground of reason and natural law, does not rest exclusively upon that ground. It is expressly secured by the constitution of the United States, in the creation of the Legislative power. By the fifth section of the first article of that instrument, it is provided, that "a majority of each (house) shall constitute a quorum to do business." In some instances indeed, a greater number than a bare majority is required; but those exceptions, the result of precaution, like all exceptions, themselves prove the general rule.

The General Assembly of Kentucky cannot then agree with the State of South Carolina, that the perseverance of the General Government in the American System, leaves that State free to consider that the measures to be pursued, are "purely questions of expediency and not of allegiance." If the majority of the people of the United States in Congress assembled, adhere to that system, by abstaining from its repeal, neither the State of South-Carolina nor any other State in the Union, is at liberty to pass any act to defeat the system. That State and all the other States, are bound by the terms of our constitutional union, to yield obedience to the system.

From the principles now advanced, there has been no deviation on the part of the General Assembly of Kentucky. At a former epoch, when certain acts passed by Congress, called the alien and sedition laws, which were believed to be unconstitutional by the General Assembly, it neither interposed nor threatened the adoption of any measures to defeat or obstruct their operation within the jurisdiction of Kentucky. It expressed, and expressed in

very strong language, its disapprobation of them, and its firm conviction that they were unconstitutional, and, therefore, void. There it stopped, and that is the limit which no State should pass, until it has formed the deliberate resolution of lighting up the torch of civil war. Every State, as well as every individual, has the incontestible right freely to form and to publish to the world, its opinion of any and of every act of the federal government. It may appeal to the reason of the people, enlighten their judgments, alarm their fears, and conciliate their support to change federal rulers or federal measures. But neither a State nor an individual, can rightfully resist, by force, the execution of a law passed by Congress.

The State of South-Carolina also asserts, 1st, that Congress "does not possess the power, under the constitution, to adopt a general system of internal improvements, as a national measure." 2d. "That it is an unconstitutional exercise of power on the part of Congress, to tax the citizens of one State, to make roads and canals for another State;" and 3rd. "That Congress has no power to construct roads and canals in the States, for the purpose of internal improvement, with, or without the assent of the States, in whose limits those internal improvements are made, the authority of Congress extending no further than to pass 'the necessary and proper laws' to carry into execution, their enumerated powers."

The General Assembly believes, that Congress is invested by the constitution, with the power to construct internal improvements of a national character, within all or any of the States. The power, it believes to be fairly deducible from the enumerated powers; but this question has been so often and so ably discussed, that it is not aware that any additional light can, or need be thrown upon it. The General Assembly, will, therefore, content itself with an examination of those reasons only, which are brought forward by the State of South-Carolina.

The first is a mere declaration of its opinion. As to the second, it is not known or believed, that Congress has ever, in fact, taxed the citizens of one State, to make roads and canals for another. If that had been done, it would be admitted to be unconstitutional. Congress has applied a part of the common resources of the whole nation, to the execution of works of national improvement, which must of necessity, have fallen within the limits of one or more States; and such an application of them is believed to be strictly constitutional. If the State of South-Carolina meant to assert, that the funds of the General Government cannot be applied to a local object, because that object is within a particular State, it would deprive the government of some of its most important functions. Scarcely any State could suffer more by the adoption of such a principle than South-Carolina, since it would deprive its great port of those costly national



works, which are so essential to its defence, and which have been erected at the common expense of other States, and of South-Carolina.

The third reason brought forward by South-Carolina, denies the power, with, or without the assent of the States in which the improvement is situated, because the authority of Congress extends no further than to carry into execution the enumerated powers. The power of Congress consists of the specified grants enumerated in the constitution, and of the further grant to pass all laws necessary and proper for carrying them into execution, as well as all other powers vested in the Government of the United States, or any department or officer thereof. South-Carolina has not attempted, by any argument, to prove that the controverted power is not comprehended within the grants specifically enumerated; nor to show it to be unnecessary and improper as a means of carrying any of them into effect.

The General Assembly believes the power to construct roads and canals, to be granted in the clause authorizing the establishment of post offices and post roads, and the power "to regulate commerce among the several States;" and that the power to make roads and canals is a necessary implication from the military and commercial powers conferred on Congress.

Both of those measures which have been considered, have deep foundations in the convictions and in the affections of the people of Kentucky. Both are believed to be essential to the permanence, and to the prosperity of the Union. Both are sanctioned by the opinions of many of the most venerable and illustrious of our statesmen and patriots, including General Washington, the first President of the United States, and the father of his country.

And the General Assembly of Kentucky cannot omit to avail itself of an occasion so appropriate, to call to its aid, the oft repeated sentiments of their most distinguished fellow-citizen, Henry Clay, whose zealous and able exertions, and whose eminent services in support of both of those measures, have been equalled only by his ardent patriotism and his unbending integrity.

Entertaining these sentiments and views in relation to the subjects embraced in the resolutions of the State of South-Carolina, and in the proceedings of the States of Virginia, Georgia and Mississippi, the General Assembly has expressed them with all the courtesy and respect called for by the relation which subsists between members of a common political family, having a common interest in the perpetuation of the Republic; but at the same time, with the firmness and confidence arising from a consciousness of having truth and reason on its side: Therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That it is a constitutional exercise of power on the part of Congress, to encourage and protect the manufactures of the United States, by imposts and restrictions on the goods, wares and

merchandize of foreign nations; and that the acts of Congress, usually known by the name of Tariff laws, are not only constitutional, but founded upon principles of policy, and demanded by the best interests of the people of these States.

*Resolved*, That Congress does possess the power, under the constitution, to adopt a general system of internal improvements, as a national measure for national purposes.

*Resolved*, That this report and the accompanying resolutions, be forwarded by the Governor of this Commonwealth, to the respective Governors of the States of South Carolina, Virginia, Georgia and Mississippi, as the expression of the views of the General Assembly of Kentucky, on the constitutional power of Congress over the subjects of domestic manufactures and internal improvements; and for the purpose of ascertaining the views and opinions of the several States of the United States on the same subjects;

*Resolved, also*, That the Governor of this Commonwealth be requested to forward them to the Governors of the other States of the Union, respectively, to be laid before the Legislatures of those States, for their consideration.

The amendment reported from the committee of the whole house, proposes to add to the second resolution the following words, viz.

To construct the necessary post roads, and to construct canals, roads and other public works for military purposes, preparatory or incidental to the defence of the nation, or the carrying on of her necessary wars, and for the purpose of executing any other powers granted to the General Government, by the constitution, where the construction of such canals, roads or other public works may be essential to the effectuation of those powers.

And the question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Williams, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Harris, Hughes, Maupin, M'Connell, Ray, Rodman, Stephens, Thompson, Wall and Wingate—16.

NAYS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, M'Millan, Miller, Owsley, Payne, Selby, Summers, Taylor, Thornton, Townsend, White, Wickliffe, Williams and Wood—20.

Mr. Maupin moved to amend the second resolution by adding thereto the following words, viz.

But in establishing mail routes or roads for national purposes, the General Government cannot constitutionally establish turnpike gates, or exercise any power to prevent the full use of the said roads to the State authorities, or to the citizens of the States:

Mr. Hardin moved to amend the said amendment by adding thereto these words, viz.

"Except so far as is necessary to keep said roads in repair, or to collect a revenue for the Government of the United States."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fulton and Maupin, were as follows, viz.

YEAS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, Hardin, M'Millan, Miller, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickhiffe and Williams—20.

NAYS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Harris, Hughes, Maupin, M'Connell, Ray, Rodman, Selby, Stephens, Wall, Wingate and Wood—17.

The question was then taken on adopting the said amendment moved by Mr. Maupin, as amended, and it was decided in the negative, unanimously.

The yeas and nays being required thereon by Messrs. Maupin and Fulton, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Faulkner, Fleming, Fulton, George, Gibson, Green, Griffin, Hardin, Harris, Hughes, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Selby, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams, Wingate and Wood—37.

Mr. Maupin moved to amend the said resolutions by inserting the following as a third resolution, viz.

3rd. *Resolved*, That the distribution of the surplus funds of the General Government, (after the payment of the national debt,) by distribution among the several States, in the mode recommended in the President's message, to enable the States to prosecute works of internal improvements, would, in the opinion of this Legislature, be a wise and salutary disposition of the said fund

The question was taken by the Senate, whether the said amendment be in order, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Thompson, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Edwards, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Selby, Stephens, Wall, Wingate and Wood—16.

NAYS—Messrs. Cunningham, Faulkner, Fleming, Fulton, George, Gibson, Green, Hardin, M'Millan, M'Connell, Miller, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—21.

The question was then taken on concurring in the first resolution, and it was decided in the affirmative unanimously.



The yeas and nays being required thereon by Messrs. M'Connell and Wickliffe, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Faulkner, Fleming, Fulton, George, Gibson, Green, Griffin, Hardin, Harris, Hughes, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Selby, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams, Wingate and Wood—37.

The question was then taken on concurring in the second resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Thornton and M'Connell, were as follows, viz.

YEAS—Messrs. Brown, Campbell, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Green, Harris, M'Millan, Miller, Owsley, Payne, Ray, Summers, Taylor, Thornton, Townsend, White, Wickliffe, Williams and Wood—23.

NAYS—Messrs. Allen, Barrett, Fulton, Griffin, Hughes, Maupin, Rodman, Selby, Stephens, Wall and Wingate—11.

The other resolutions were then concurred in.

Mr. Campbell moved to amend the preamble by adding to that paragraph in which the name of Henry Clay is mentioned, these words, viz.

Nor can this Legislature fail to express their unshaken conviction, that no danger is to be apprehended to these great interests, from the present able, enlightened and wise administration.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wood and Thornton, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Campbell, Fulton, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Selby, Stephens, Wall, Wingate and Wood—15.

NAYS—Messrs. Brown, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Green, Hardin, M'Millan, M'Connell, Miller, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe and Williams—22.

The question was then taken on concurring in the said preamble, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Griffin and Maupin, were as follows, viz.

YEAS—Messrs. Brown, Cunningham, Edwards, Faulkner, Fleming, George, Gibson, Green, Hardin, M'Millan, M'Connell, Miller, Owsley, Payne, Summers, Taylor, Thornton, Townsend, White, Wickliffe and Williams—21.

NAYS—Messrs. Allen, Barrett, Campbell, Fulton, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Selby, Stephens, Thompson, Wall, Wingate and Wood—16.

And then the Senate adjourned.

MONDAY, JANUARY 25, 1830.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz.

An act to incorporate certain turnpike road companies.

An act to incorporate the trustees of the male and female orphan asylum at Middletown.

An act to amend an act entitled, an act to incorporate the Ohio bridge company.

An act to incorporate the Louisville and Shelbyville rail road company.

An act for the benefit of Eaton Good.

An act to divorce Huldah Gervis from her husband, Lemuel Gervis.

An act to compel sheriffs of this Commonwealth to pay the full amount of venire claims to the holders thereof, and for other purposes.

An act for the improvement of the road from Mountsterling by way of Irvine and Manchester, to intersect the wilderness State road.

An act to provide for appropriating a portion of land to the counties west of the Tennessee river to the erection of bridges; and,

An act to enable the infant heirs of John Bruce, sen. deceased, to convey certain lands.

Mr. Fleming moved the following resolution, viz.

*Resolved*, That the public printer elect be requested to print two thousand copies of the titles of the acts passed during the present session and a summary of the provisions of each act, for the use of the Senate.

Which was twice read and adopted.

Mr. Hardin from the committee of finance, reported a bill further to regulate the Bank of Kentucky,

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wickliffe from the committee appointed for that purpose, reported a bill to amend the laws concerning Transylvania University, and for other purposes; which was read the first time.

The question being taken on reading the said bill a second time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Brown, were as follows, viz.

YEAS—Messrs. Brown, Cunningham, Faulkner, Fleming, George, Gibson, Green, Hardin, Maupin, M'Millan, M'Connell, Miller, Owsley, Payne, Selby, Stephens, Summers, Taylor, Thompson, White, Wickliffe, Williams and Wood—23.

NAYS—Messrs. Allen, Barrett, Campbell, Edwards, Fulton, Griffin, Harris, Hughes, Ray, Rodman, Thornton, Townsend, Wall and Wingate—14.

The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act to regulate the fees of the clerk of the Court of Appeals and other clerks, were twice read.

Mr. Wickliffe moved to lay the said bill and amendments on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Harris, were as follows, viz.

YEAS—Messrs. Brown, Edwards, Miller, Payne, Thompson, Thornton, White and Wickliffe—8.

NAYS—Messrs. Allen, Barrett, Campbell, Cunningham, Faulkner, Fleming, Fulton, George, Green, Griffin, Hardin, Harris, Hughes, Maupin, M'Millan, M'Connell, Owsley, Ray, Rodman, Selby, Stephens, Summers, Taylor, Townsend, Wall, Williams, Wingate and Wood—29.

The said amendments were then concurred in.

A message was received from the House of Representatives, announcing the passage of a bill from the Senate entitled, an act to change a part of the boundary line between Rockcastle and Laurel counties, with amendments.

And that they have concurred in the amendment proposed by the Senate to a bill from that house entitled, "an act to declare Big Caney a navigable stream, and for other purposes."

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, were severally read, viz.

1. An act to amend the laws in relation to crimes committed on the Ohio, Mississippi and Big Sandy rivers.

2. An act to authorize James G. Lindsey, of Campbell, to remove his ferry.

3. An act to change the time of holding the Bullitt circuit court.

4. An act concerning the General Court.

5. An act to change the name and to authorize the election of trustees to the town of Connersville, Boone county.

6. An act to organize a fire company in the town of Augusta; and,



7. An act to change a part of the boundary line between Rockcastle and Laurel counties.

The said amendments to the 1st 5th and 7th bills were concurred in.

Those to the second and third were disagreed to.

Those to the fourth, together with said bill, were laid on the table till the first of June next.

And those to the sixth were committed to a committee of Messrs. Fulton, M'Connell and Hardin.

An engrossed bill entitled "an act to amend the forfeiture law in relation to actual settlers," was read the third time as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all cases where lands have been forfeited to this Commonwealth under any of the laws now in force, that any such title, interest or claim shall enure to, and be vested in the person in possession of any lands thus forfeited, to the extent of the claim and possession of such occupant, whose claim is founded on a warrant or warrants issued previous to the first day of December, 1829.

Mr. Green moved to amend the said bill by adding thereto the following clause by way of rider, viz.

*Provided, however,* That the occupancy or claim herein provided for, shall in no case exceed the quantity of two hundred acres; *And provided further,* that no title to any land shall enure to the benefit of the occupant, which is not common both to his occupancy and claim.

Mr. Faulkner moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Ray, were as follows, viz.

YEAS—Messrs. Faulkner, Fleming, Hughes, M'Millan, Miller, Payne, Rodman, Selby, Taylor, Thornton, White, Wickliffe and Williams—13.

NAYS—Messrs. Allen, Brown, Campbell, Cunningham, Edwards, Fulton, George, Green, Griffin, Hardin, Harris, Maupin, M'Connell, Owsley, Ray, Stephens, Summers, Thompson, Townsend, Wall, Wingate and Wood—22.

The question was then taken on adopting the said amendment, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Ray, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Fleming, Fulton, George, Green, Griffin, Hardin, Harris, Maupin, M'Millan, M'Connell, Owsley, Ray, Rodman, Selby, Stephens, Summers, Thompson, Thornton, Townsend, Wall, White, Wingate and Wood—29.

NAYS—Messrs. Faulkner, Hughes, Miller, Payne, Wickliffe and Williams—6.

The question was then taken on the passage of the said bill with the ryder, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Ray, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Brown, Campbell, Cunningham, Edwards, Fulton, George, Green, Griffin, Hardin, Harris, Maupin, M'Connell, Owsley, Ray, Rodman, Stephens, Summers, Thompson, Townsend, Wall, Wingate and Wood—24.

NAYS—Messrs. Faulkner, Fleming, Hughes, M'Millan, Miller, Payne, Selby, Thornton, White, Wickliffe and Williams—11.

*Resolved*, That the title of the said bill be as aforesaid.

A bill from the House of Representatives entitled, "an act for the benefit of the heirs of Micajah Shelton,"

Was read the third time, and on the motion of Mr. Hardin was laid on the table until the first day of June next.

A bill from the House of Representatives entitled, "an act for the benefit of William Greathouse,"

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

The question was taken on the passage thereof, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fleming and Fulton, were as follows, viz.

YEAS—Messrs. Barrett, Cunningham, Edwards, Faulkner, Fulton, Green, Griffin, Harris, Hughes, M'Millan, Miller, Owsley, Ray, Rodman, Selby, Stephens, Taylor, Thompson, Thornton, Townsend, Wall, White, Wingate and Wood—24.

NAYS—Messrs. Campbell, Fleming, George, Hardin, M'Connell, Payne, Summers, Wickliffe and Williams—9.

*Resolved*, That the title of the said bill be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time and ordered to be read a second time, viz.

1. An act for the benefit of the Christian academy.
2. An act for the benefit of Solomon Jenkins.
3. An act further to regulate the Court of Appeals; and,
4. An act in relation to the clerks of county courts.

The rule of the Senate, constitutional provision and second reading of the first, second and third bills having been dispensed with, they were committed; the first and second to the committee of finance, and the third to the committee of courts of justice.

The rule of the Senate, constitutional provision and second and third readings of the fourth bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act to authorize the Mayor and Council of Louisville to elect inspectors of tobacco in said City," was read the first time.

And the question being taken on reading the same a second time, it was decided in the negative; and so the said bill was disagreed to.

And then the Senate adjourned.

TUESDAY, JANUARY 26, 1830.

The Senate assembled.

Mr. Allen from the committee of Internal Improvements, made the following report, viz.

The committee of Internal Improvements have had under consideration a resolution to them referred, instructing them to inquire into the expediency of constructing a road from Frankfort to Milton on the Ohio river, by the way of New-Castle, and the committee report thereon; that a road from Frankfort, by the way of New-Castle, to King's ferry on the Ohio river, opposite to the town of Madison, would be expedient and highly necessary. Your committee are informed and believe that a route for a State road has been viewed from the territory of Michigan, to Indianapolis, and from thence to Madison. This road, if opened, would greatly facilitate the communication between this State and the State of Indiana, and the territory of Michigan, which object ought always to be desired, and when in their power, ought to be effected by all the States, as it will always be found to be a strong bond of union among the States. Your committee therefore, recommend the adoption of the following resolution:

*Resolved*, That the Governor be authorized to employ some suitable person or engineer, to view the best route for a road from Frankfort, by the way of New-Castle, to King's ferry, opposite to the town of Madison, on the Ohio river, and make report thereof to the next General Assembly.

Amend the resolution by inserting after the word "Resolved," *by the General Assembly of the Commonwealth of Kentucky.*

Which was twice read; and the question being taken on concurring therein, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Gibson, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Gibson, Green, Hardin, Harris, Hughes, McConnell, Miller, Rodman, Stephens, Summers, Taylor, Thornton, Wall, White, Wingate and Wood—18.

NAYS—Messrs. Cunningham, Edwards, Faulkner, Fulton, George, Griffin, M'Millan, Owsley, Ray, Selby, Thompson, Townsend and Williams—13.



Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Thomas Lewis and Minerva Laswell," reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the same committee, to whom was referred, a bill to provide for building a bridge across Licking river at West Liberty, in Morgan county, reported the same with a resolution that the said bill be laid on the table till the first day of June next; which was concurred in.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary of State,

Mr. Hardin from the committee of finance, to whom was referred, a bill to provide for employing an engineer to survey and mark the most practicable route for a road from the mouth of Big Sandy to Lexington, by way of Little Sandy Saline, reported the same with an amendment; which was twice read, and the said bill and amendment were laid on the table until the first day of June next.

Mr. Hardin from the same committee, to whom was referred, a bill to improve the road from the mouth of Triplett's creek and from Lewis's mill on Foxes' creek to the mouth of Big Sandy, reported the same with an amendment.

The said amendment proposes to strike out the fourteenth section of said bill and to insert in lieu thereof another section.

The said fourteenth section is as follows, viz.

Sec. 14. *Be it further enacted*, That to aid the said commissioners in putting said road in repair, there is hereby appropriated out of the public Treasury, the sum of two thousand dollars; twelve hundred of which shall be drawn by the commissioners appointed by the county court of Greenup, and by them expended in improvements on that part of the road which lies between the Fleming line and the mouth of Big Sandy, and the residue shall be drawn by the commissioners appointed by the county court of Fleming, and appropriated on those parts of the road situate in that county; and the Auditor shall draw his warrant upon the Treasurer, in favor of the respective commissioners aforesaid, for the respective sums aforesaid, whenever the county courts of the respective counties of Greenup and Fleming shall certify up to him a copy of the order appointing said commissioners, and also certify that said commissioners have given bond as provided for by this act.

The proposed substitute is as follows, viz.

*Be it further enacted*, That land warrants to the amount of one

thousand dollars, are hereby appropriated to aid in putting said road in repair, to be located upon any vacant lands in the counties of Greenup, Fleming, Bath or Montgomery, three fifths of which shall be drawn by the commissioners appointed for the county of Greenup, and the residue by the commissioners for the county of Fleming, to be issued by the Register without fee therefor, in as many warrants as the said commissioners may direct, none calling for less than fifty acres. The Register shall issue the warrants to the commissioners of the counties to which they belong, by their corporate name, and those warrants shall be assignable by the commissioners and be appropriated in aid of improving said road.

Mr. M'Connell called for a division of the question.

And the question being taken on striking out said section, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Fleming, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Brown, Cunningham, Edwards, Faulkner, Fulton, George, Griffin, Hardin, Miller, Owsley, Ray, Rodman, Selby, Thompson, Thornton, Wall, White, Wingate and Wood—21.

NAYS—Messrs. Fleming, Gibson, Green, Marris, Hughes, Maupin, M'Millan, M'Connell, Payne, Stephens, Summers, Townsend, Wickliffe and Williams—14.

The said substitute was then adopted.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, "an act to authorize the county court of Green county so to regulate the constables districts in said county as to reduce the number to nine," was taken up and committed to a committee of Messrs. Allen, Selby and Fleming.

Mr. Green from the joint committee appointed to examine the Deaf and Dumb asylum at Danville, made the following report, viz.

The joint committee of the Senate and House of Representatives, appointed to examine into the condition of the Asylum at Danville, for the instruction of the deaf and dumb, have performed the duty assigned them, and respectfully submit the following report, as the result of their examination:

In regard to the current expenses of the institution for the past year, its pecuniary condition, the number of pupils, &c. more detailed and satisfactory information may be derived from the annual report of the trustees of said institution, which has al-

ready been spread upon the journals of your honorable body, and reference to which is here made.

Your committee felt it to be their duty to make a careful examination of the dwelling house, school room, dormitories and other appendages of the institution, and are happy to have it in their power to state, that every thing connected with it exhibited the appearance of prosperity and good management. Too much praise cannot be given to the superintendant, matron, and teachers, for the kind and affectionate solicitude they manifest for their unfortunate but interesting charge, and for the pains they have taken, not only to improve their minds, but to instruct them in the domestic duties and qualify them for future usefulness and respectability. The good order, sense of propriety, and intelligence of the pupils, constitute their highest eulogy.

Your committee visited the school room where the pupils were all assembled, without any previous preparation, for purposes of examination. They were highly gratified at the progress of the different classes, and astonished at the extent, variety, and accuracy of their information. The rudiments of education, viz. Grammar, Geography, Arithmetic, History, the nature and form of our government, &c. have all been brought within their grasp and comprehension. From the result of the examination, your committee are perfectly satisfied that these unfortunates may be made to acquire ideas of every thing within the range of human knowledge, except music and oratory, and that the mysterious dispensation of Providence under which they labor, may be so far meliorated as to qualify them for rational enjoyments, and enable them to become useful and respectable members of society. Your committee are informed, that they acquire knowledge as fast as persons endowed with all the faculties of the mind usually do; and from the advancement of a youth who has been at the Asylum four years, the length of time allowed by law for the education and support of the deaf and dumb, they are fully persuaded of the fact, and believe that time to be sufficient to enable them to acquire a competent education.

From the report of the trustees before referred to, it will be seen that the number of pupils has somewhat increased during the past year; but not in the degree which might have been expected from the importance of the institution, and the qualifications of its officers. Your committee cannot omit the present opportunity of impressing upon the legislature, the propriety of calling the attention of the people to this interesting institution; and wherever they are acquainted with the existence of a mute, of enforcing upon its parents the duty and obligation of sending it to the asylum, and the importance of the benefits which will result therefrom; for your committee are fully persuaded that nothing short of a belief on the part of parents of the impracticability of educating the mute, or ignorance of the munificent



provision our country has made for this bereaved part of the human family, can prevent them from availing themselves of its benefits, and of thus elevating their offspring (doubly endeared by misfortune,) from the level of the brute creation, opening to their benighted minds the wide field of intellectual and social enjoyment, and making them acquainted with the duties and obligations they owe to the author of their being.

Your committee believe that the expenses of the institution might be curtailed, as well as the health of the pupils invigorated, provided a few acres of land was attached to it so as to enable them to work a portion of each day. In this way also, under judicious management, habits of industry and qualifications of usefulness might be given them, which would be of inestimable importance to their subsequent life. Your committee would, therefore, respectfully recommend to the legislature the expediency of directing the trustees of the institution, if ground of a suitable character can be obtained, to appropriate such a portion of the money they now have on hand to its procurement, as may be necessary. Your committee believe, from all the information they have been enabled to obtain, and from all they have seen, that the sum now provided by law for the education of the deaf and dumb, is not more than adequate to the purpose, and that it cannot be reduced without endangering the institution, by driving from it the respectable and well qualified officers who now conduct it. They are of the opinion, therefore, that the legislature should leave the present provision untouched, at least until the liberal endowment of the United States government can be realized, and converted into a permanent fund, for the support of an institution so intimately interwoven with the best feelings of the human heart, and so honorable to the philanthropy of the country.

Mr. M'Connell from the committee on the Penitentiary, made the following report, viz.

The standing committee of the Senate, on the subject of the Penitentiary, submit the following report:

They have examined the institution since the walls have been raised and the solitary cells erected, in pursuance of the act of the last session. The convicts appear to be as well provided for as the nature of their situation requires or admits of, and their appearance indicate health and cleanliness.

There is now kept up a regular and exact discipline amongst the convicts, agreeably to the plan proposed by the keeper, in his letter to the committee last year. They are kept in solitary confinement each night, and so much of each Sunday as they are not engaged in the pursuit of learning, or in attending at Divine service, during the residue of the week they are closely engaged in useful labor, profitable to the keeper and the State, and calculated to promote their health, to give them permanent habits of

industry, to learn them, in many instances, useful trades, and at the same time to operate as a severe punishment upon all those who had indulged in habits of idleness and dissipation. The committee cannot forbear to mention an occurrence which took place some time since, in this Penitentiary, by way of shewing the abhorrence with which some of these unfortunate beings look upon labor. One who, as we learn, was not tasked to more than his fellows, but being determined not to labor, procured an axe in the absence of the keeper, and with it voluntarily cut off his left foot and his left hand, with the view of destroying his ability to perform manual labor.

The course of rigid discipline, solitary confinement and Sunday schools, has been but recently introduced. Its effects and results have not, therefore, been fully developed. The committee, however, entertain a firm belief that it will have a salutary influence in correcting their vices and improving their morals, and would, therefore, recommend the keeper steadily to adhere to it. It was not until June last that the Sunday school was commenced, and we are informed that many of the convicts who were then wholly ignorant of the letters of the alphabet, now spell tolerably well, and begin to read. Some of the committee attended at the institution on Sunday, for the purpose of witnessing the course taken in the Sunday school. They could not but admire the silence, the regularity, and the order with which every thing was conducted. The committee are, however, of the opinion that the convicts are not sufficiently furnished with the necessary books to enable them to go on successfully in learning to read, or to produce to them and their country the greatest profit from this improvement of their minds. It is believed that some cheap books that are calculated to impress upon them the importance of virtuous actions and religious lives, would have a salutary effect.

The committee are gratified in being able to report, that the institution is in a very flourishing condition, and indeed they believe it will now compare with any other of like kind in the United States, which has been established and completed at no greater expense.

It cannot be doubted, however, that experience will, from time to time, point out important alterations and improvements to be made in relation to the institution, its management and internal police; but the necessity of further legislation upon the subject, is not now perceived, except so far as is suggested by the resolutions submitted herewith.

The committee have been favored with several pamphlets upon the Penitentiary systems, established in the eastern States, directed to their chairman by the secretary of the prison discipline society of Philadelphia. These documents, however, came to hand too late to allow a full examination of them, much less to

justify the committee in recommending any plans of improvement drawn from the facts ascertained, and the observations made by those Philanthropic societies.

It is, however, believed that some of the proceedings of these societies, organized in the eastern States, for the humane purposes of ameliorating the condition of the convicts in Penitentiaries, which are published periodically, and which embody a great number of very important facts in relation to the treatment, discipline, employment, food and punishment of the convicts, and in regard to the number of reforms as shewn by the lives and deportment of the convicts after their discharge, which are produced by the several different courses of treatment, would be an important acquisition to the Chief Magistrate and Legislature of this State. And the committee are informed, from good authority, that the expense of procuring these publications would be but trifling.

The committee regret to be informed that it is with great difficulty the keeper can procure ministers of the Gospel to preach to the convicts. Hence it is that but few sermons have been preached during the past year. The business of appearing before a class of men so degraded in their condition, and so abandoned in their practices, for the sole purpose of instructing them in the principles of religion and of endeavoring to reform them in their lives and habits, is not, to be sure, desirable in itself; of consequence none are willing to devote more than an occasional sabbath in this employment. Those preachers who live in Frankfort and its vicinity, have the care of the churches committed to their charge, and the sabbath is a day usually assigned to preaching in these churches, and of consequence they cannot devote that time in preaching to the convicts. Ministers residing at any distance from this place cannot attend here to preach to the convicts unless they are paid at least their expenses and something for their time. Reform is the object of the imprisonment. This reformation must be wrought in the mind and it cannot be expected that the mind will change its direction, review its course and reverse its resolutions unless it be operated upon by convictions of the importance and necessity of such reformation. Every available means in the power of the Legislature, consistent with the principles of humanity and of justice, ought, in the opinion of the committee, to be resorted to, to effect the purposes of the imprisonment. The committee have a thorough conviction that a very important means of producing this desirable object, is regular preaching at least once a week. The efforts made prove that this regular preaching cannot be had without offering a compensation greater than has been heretofore given.

The committee, therefore, recommend the adoption of the following resolutions, to-wit:



*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the keeper of the Penitentiary shall, from time to time, as occasion shall require, under the direction and advice of the Governor for the time being, furnish to the convicts, such books as may be found necessary to aid them in learning to read, and which will be calculated to make impressions upon their minds of the importance of virtuous actions and religious lives.

*Resolved,* That the keeper of the Penitentiary, with the consent and advice of the Governor, for the time being, make the necessary arrangements for procuring religious instructions every Sabbath day, if such preaching can be had at an expense not exceeding \$100, to be charged as a part of the expenses of the institution.

*Resolved further,* That the Governor of this State is requested to procure for the use of the Legislature, and to be preserved in the Secretary's office, copies of such of the proceedings and reports of the Boston and Philadelphia prison discipline societies as he may think important or useful, and that he report to the next Legislature, as early as convenient, the copies procured and their cost.

The committee have also had under consideration the claim set up by the keeper of the Penitentiary, for services rendered in superintending the quarrying of the stone for increasing the height of the wall and erecting the solitary cells, and have come to the conclusion that the same ought to be allowed, to the extent of ninety dollars; but as this claim can be examined and acted upon when the appropriation bill shall be under consideration, the committee deem it unnecessary to report any resolution or bill upon the subject.

Which was twice read and concurred in.

Mr. Wickliffe from the committee of courts of justice, to whom was referred, a bill from the House of Representatives entitled, "an act further to regulate the Court of Appeals," reported the same with an amendment as a substitute for the bill;

Which was twice read.

Mr. Fleming moved to amend the said substitute by striking out these words, viz. "that so much of every law or rule of said court as authorizes said court to take up and try causes as delay causes shall be and are hereby repealed."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fleming and Ray, were as follows, viz.

YEAS—Messrs. Barrett, Edwards, Faulkner, Fleming, George, Hughes, Miller, Owsley, Selby, Stephens, Taylor, Thompson, Thornton, Wall, White, Wingate and Wood—17.

NAYS—Messrs. Allen, Brown, Campbell, Cunningham, Fulton, Gibson, Green, Griffin, Hardin, Harris, Maupin, M'Millan.

M'Connell, Payne, Ray, Rodman, Summers, Townsend, Wickliffe and Williams—20.

The said amendment reported from the committee was then concurred in.

The question being taken on reading the said bill, as amended, a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Thornton and Fleming, were as follows, viz.

YEAS—Messrs. Allen, Brown, Campbell, Cunningham, Gibson, Green, Hardin, Harris, M'Millan, M'Connell, Payne, Ray, Rodman, Selby, Summers, Thompson, Townsend, White, Wickliffe and Williams—20.

NAYS—Messrs. Barrett, Edwards, Faulkner, Fleming, Fulton, George, Griffin, Hughes, Miller, Owsley, Stephens, Taylor, Thornton, Wall, Wingate and Wood—16.

Mr. Wingate from the committee appointed for that purpose, reported a bill to provide for the opening a State road from Frankfort to intersect the State road from Lexington to Ghent, at or near Owenton.

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate from the committee appointed for that purpose, made the following report, viz.

The committee raised to ascertain what furniture is necessary for the Senate chamber, and what alterations can be made therein, which are necessary to the comfort and convenience of the Senate, report:

That they have had several meetings with the building commissioners and the architect, and have come to the following opinions:

The partition wall which now divides the Senate chamber and the adjoining committee room, ought to be removed, and that room converted into a lobby, extending the bar of the Senate chamber to the place now occupied by that partition wall. The gallery ought to be taken away entirely. The lobby ought to be elevated. The committee recommend for the Senate chamber, a number of tables equal to the number of Senators, each one being numbered from one to thirty eight, inclusive. Each table to be made with divisions on the top, for inkstand, sand box, wafers and pens. The remainder of the top to be inclined about an inch, with a small ledge on the edge next the writer, a drawer with a good lock and key and two glass knobs on it, a small shelf under the drawer to hold journals and other papers, the whole exte-

prior to be vaneered with mahogany and properly varnished. The tables ought to be single and of a convenient size for one person. The chairs to be made of mahogany with hair cloth bottoms and stuffed with hair, with rollers on the legs.

From the best information the committee could obtain, this furniture and these alterations will promote, to a greater extent, the convenience and comfort of the Senate and each member thereof, than any other that we can recommend. The committee, therefore, recommend the adoption of the following resolution:

*Resolved*, That the building commissioners be instructed to procure the furniture and cause the alterations in this preamble mentioned, to be made, and that they cause such additional improvements to be made as shall be deemed necessary to perfect the whole upon the plan herein suggested.

Which was twice read; and the question being taken on concurring therein, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fulton and Campbell, were as follows, viz.

YEAS—Messrs. Brown, Campbell, Green, Hardin, Harris, Hughes, Maupin, McConnell, Owsley, Payne, Ray, Padman, Stephens, Summers, Taylor, Thornton, Wall, White, Wickliffe and Wingate—20.

NAYS—Messrs. Allen, Barrett, Cunningham, Edwards, Faulkner, Fleming, Fulton, George, Gibson, Griffin, McMillan, Selby, Thompson, Townsend, Williams and Wood—13.

Mr. Fulton from the committee to whom was referred, the amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to organize a fire company in the town of Augusta, reported the same with an amendment, which was concurred in; and the said amendments, as amended, were then concurred in.

A bill from the House of Representatives entitled, "an act making further provision for the sale of the lands and slaves of infants," was laid on the table.

A bill from the House of Representatives entitled, "an act for the benefit of Sarah Mitcherson and others," was read the third time, as amended.

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be, an act for the benefit of Daniel Vought, jr. and Polly Miller.

A bill to amend the several acts regulating the course of descents, and the distribution of intestates' estates, was read the second time, amended, and is as follows, viz.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That henceforth when any person having title to any real estate, shall die intestate as to such estate, it shall descend and pass in parcenary to his kindred, male and female, in the following course, that is to say; to the children of



such person and their descendants, if any; if there be no children nor their descendants, then to the husband or wife of such decedent; and if there be no husband nor wife, then to the father and mother and the survivor of them—the father and mother shall only take a life estate, if there be brothers and sisters of the deceased or their descendants; but in that case the estate, after the death of the father and mother, shall pass to the brothers and sisters, and their descendants, or such of them as be of the intestate.

Sec. 2. If there be no father, nor mother, nor brother, nor sisters, nor their descendants—then the inheritance shall be divided into two moieties, one of which shall go to the paternal and the other to the maternal kindred, in the following course:

Sec. 3. First, to the grand-father and grand mother.

Sec. 4. If there be no grand father and grand-mother, then to the uncles and aunts on the same side and their descendants, or such of them as be, and if there shall be a grand-father and grand-mother, or either, on one side, and none on the other, the one moiety to go to the uncles and aunts, or their descendants or such of them as be on the side where there is no grand-father or grand-mother.

Sec. 5. Then to the great grand-fathers and great grand-mothers; and if there be no great grand fathers and great grand-mothers, nor any of them, then to the brothers and sisters of the grand-fathers and grand-mothers and their descendants, or such of them as there be, and so on in other cases without end, passing to the nearest lineal ancestors, or such of them as there be. But no right of inheritance shall accrue to any person whatever, other than to children of the intestate, unless they be in being and capable of taking as heirs, at the time of the intestate's death.

Sec. 6. And where for the want of issue of the intestate and of father, mother, brothers and sisters, and their descendants, the inheritance is before directed to go by moieties to the paternal and maternal kindred, if there should be no such kindred on the one part, the whole shall go to the other part.

Sec. 7. And in cases before mentioned, where the inheritance pass to the ascending and collateral kindred of the intestate, and part of such collaterals be of the whole blood to the intestate, and other part of the half blood only; those of the half blood shall only inherit half so much as those of the whole blood; but if all be of the half blood, they shall have whole portions, only giving to the ascendants, if there be any, double portions.

Sec. 8. And where the children of the intestate, his brothers and sisters, his uncles and aunts, or any of his lineal ancestors living, male and female, in the same degree come into partition, they shall take *per capita*, that is to say by persons, and where a part of them being dead and a part of them living, the issue of those

have right to partition, they shall take *per stirpes* or by stocks; that is to say, the share of their deceased parent.

Sec. 9. And where any of the children of the intestate or their descendants, shall have received from the intestate in his life time, any real estate by way of advancement, and shall choose to come into partition with the other parcenors, such advancement shall be brought into hotchpot with the estate descended.

Sec. 10. In making title by descent, it shall be no bar to a demandant, that any ancestor through whom he derives his descent, is or hath been an alien; bastards also shall be capable of inheriting and of transmitting inheritance on the part of their mother, in like manner as if they had been lawfully begotten of such mother.

Sec. 11. Where a man having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, shall be thereby legitimated. The issue of marriages deemed null in law shall nevertheless be legitimate.

Sec. 12. Where an infant shall die without issue and unmarried, having title to any real estate derived by purchase or descent on the part of his father, without mother, brothers or sisters, or their descendants, no part of such estate shall pass to the relations on the part of the mother, if there be living any relations on the part of the father; but the whole shall pass as before directed, to his nearest kindred on the part of the father.

Sec. 13. Where an infant die without issue and leaving no wife, as aforesaid, having title to any real estate of inheritance derived by descent or purchase on the part of his mother, without father, brothers or sisters, no part of such estate shall pass to the relatives of the father; but the whole shall pass to his nearest relatives on the part of the mother, as before directed.

Sec. 14. In making distribution of the personal estate and slaves of persons dying intestate, the estate shall be distributed to the persons entitled to the real estate, in the proportions before directed.

Sec. 15. And where any of the children of the deceased, or their descendants, shall have received from the intestate slaves or other personal estate, by way of advancement, and shall choose to come into partition of the slaves and personal estate, or either, such advancement shall be brought into hotchpot with the estate to be distributed.

Sec. 16. *Be it further enacted*, That a married woman having no children nor descendants of children living shall have the same power to devise real or personal estate that *feme soles* have.

Mr. McConnell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Fleming, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Edwards, Faulkner, Fleming, Fulton, George, Green, Griffin, Hardin, Harris, Maupin, M'Millan, M'Connell, Miller, Ray, Rodman, Taylor, Thompson, Thornton, Townsend, Wall, White, Wingate and Wood—25.

NAYS—Messrs. Brown, Gibson, Hughes, Owsley, Payne, Selby, Stephens, Summers, Wickliffe and Williams—10.

A bill to amend the laws regulating conveyances, was taken up, and the amendment reported from the committee of courts of justice concurred in.

*Ordered*, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act requiring salt works to be enclosed," was read the third time.

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

The message received from the Governor on the 23d. instant, was taken up and read as follows, viz.

*Gentlemen of the Senate:*

I nominate for your advice and consent, John Fletcher, to be keeper of the toll gate on the turnpike and wilderness road, for the ensuing twelve months.

John B. Preston, to be lieutenant colonel of the 94th regiment, vice Asa Young promoted.

James Dougherty, to be colonel of the 29th regiment, vice John Waller deceased.

Thomas Hord, lieutenant colonel of the same regiment, vice James Dougherty if promoted.

James G. Bailey, to be major of the same regiment, vice Thomas Hord if promoted.

THOMAS METCALFE.

*Resolved*, That the Senate advise and consent to the said appointments.

*Ordered*, That Messrs. Maupin and Williams inform the Governor thereof.

Bills from the House of Representatives of the following titles, were severally read the first time and ordered to be read a second time, viz.

1. An act more effectually to secure shipwrights and others in their claims against steam boats and other vessels.

2. An act to amend the act entitled, an act to incorporate the Lexington and Frankfort Turnpike or Rail Road Company.



3. An act to authorize the insertion of certain advertisements in the Public Leger.

4. An act for the benefit of William M'Clain, deputy sheriff of Estill county.

5. An act to authorize the sheriff of Monroe county to execute bond for the collection of the revenue tax and county levy of said county; and,

6. An act for the purpose of having the Edmondson county line run from White's to Hunter's, and also to run the line between Edmondson and Barren.

The rule of the Senate, constitutional provision and second and third readings of the said bills (except the first) having been dispensed with, and the second, third, fifth and sixth having been amended,

*Resolved*, That the said bills do pass, and that the title of the third be amended by adding thereto, "and the Bardstown Herald," and that the titles of the others be as aforesaid.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act concerning the Court of Appeals.

An act to change the time of holding the Jefferson circuit court.

An act for the benefit of James Morse.

An act for the benefit of the creditors and heirs of Thomas M'Kee, deceased, and of the heirs of David Wilson, deceased.

An act for the benefit of the High School in Louisville, and the Male and Female Orphan Asylum at Middletown.

And the passage of bills which originated in the Senate of the following titles, viz.

An act to incorporate the Kentucky Hemp Manufacturing and Exporting Company.

An act to amend the law concerning slaves, and for other purposes; and,

An act further to regulate the Bank of the Commonwealth;

With an amendment to the latter bill.

And that they had received official information that the Governor had approved and signed enrolled bills which originated in that house of the following titles, viz.

An act to add a part of the county of Cumberland to the county of Monroe.

An act for the benefit of Charles H. Webb.

An act allowing additional justices of the peace to certain counties.

An act for the benefit of Thomas I. Young.

An act for the benefit of John Ferguson of Muhlenberg county.

An act to amend the act entitled "an act to review a part of the State road leading from Franklin to Owenboro," approved Jan. 7, 1829.

An act for the benefit of James Breathitt.

An act for the benefit of the heirs of George Stipp and Mary Louisa Megowan.

An act to establish an election precinct in Fleming county.

An act in relation to the Georgetown and Cincinnati turnpike.

An act for the benefit of Richard Taylor and others.

A joint preamble and resolutions upon the subject of wharfage exacted by certain towns on the Mississippi river.

An act to establish a State road from Berry's ferry on the Ohio river to Salem and from Madisonville to Salem.

An act to incorporate the Merchants' Louisville Insurance Company.

An act to allow additional justices of the peace and constables to certain counties.

And then the Senate adjourned.

### WEDNESDAY, JANUARY 27, 1830.

The Senate assembled.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of the Christian academy," reported the same with the following resolution thereon, viz.

*Resolved*, That the said bill ought *not* to pass.

Mr. Summers moved to amend the said resolution by striking out the word "not."

And the question being taken thereon, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Barrett and Ray, were as follows, viz.

YEAS—Messrs. Allen, Brown, Campbell, Cunningham, Edwards, Green, Hardin, Harris, Maupin, Owsley, Payne, Summers, Taylor, Thornton, Townsend, Wickliffe and Wingate—17.

NAYS—Messrs. Barrett, Faulkner, Fleming, Fulton, Gibson, Griffin, McMillan, McConnell, Miller, Ray, Rodman, Selby, Stephens, Thompson, Wall, White, Williams and Wood—18.

Mr. Hardin from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of the public schools in the city of Louisville," reported the same with amendments,

Which were twice read and concurred in.

The said bill was further amended and ordered to be read a third time.

Mr. Hardin from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act to incorporate the Green and Barren river navigation company," reported the same with amendments,

Which were twice read and concurred in.

The said bill was further amended and ordered to be read a third time.

Mr. Allen from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to authorize the county court of Green county so to regulate the constables' districts in said county as to reduce the number to nine," reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message in writing was received from the Governor by Mr. Crittenden, Secretary of State.

The rule of the Senate having been dispensed with the said message was read as follows, viz.

*Gentlemen of the Senate:*

I nominate for your advice and consent, Thomas S. Kennedy, to be major of the 35th regiment, vice Joshua Noland resigned.

William Palmer, to be colonel of the 17th regiment, vice Col. Owen resigned.

Pleasant Bush, to be lieut. colonel of the same regiment, vice W. Palmer if promoted.

James H. Sale, to be colonel of the 100th regiment, vice N. T. Thomas resigned.

Sydnor D. Hanks, to be lieut. colonel of the same regiment, vice J. H. Sale if promoted.

THOMAS METCALFE.

*Resolved*, That the Senate advise and consent to the said appointments.

*Ordered*, That Messrs. M'Millan and Williams inform the Governor thereof.

The message in writing received from the Governor on yesterday, was taken up and read as follows, viz.

*Gentlemen of the Senate:*

I nominate for your advice and consent, James Thatcher, to be colonel of the 48th regiment, vice Ben. D. Beall resigned.

James Spillman, to be lieut. colonel of the same regiment, vice James Thatcher if promoted.

Robert B. Clark, to be major of the same regiment, vice James Spillman if promoted.

THOMAS METCALFE.

*Resolved*, That the Senate advise and consent to the said appointments.

*Ordered*, That Messrs. Stephens and Brown inform the Governor thereof.



On motion—

*Ordered*, That leave of absence from the service of the Senate be granted to Mr. Hughes for the residue of the session.

A message was received from the House of Representatives announcing the passage of bills which originated in that House of the following titles, viz.

An act to authorize the insertion of advertisements in the Lancaster Journal, a newspaper printed in Lancaster.

An act to provide for digesting the militia laws.

An act to constitute a board of Internal Improvement for Shelby county.

An act supplemental to an act amendatory of "an act incorporating certain turnpike road companies," passed Jan. 29, 1829."

An act for surveying and improving the State road from the mouth of Big Sandy to Lexington.

An act requiring public ware-house keepers to execute bond in the county court for all property stored with them.

An act for the benefit of the Louisville Hospital; and,

An act for the appropriation of money.

And a joint resolution fixing a day to elect Directors of the Bank of the Commonwealth of Kentucky, and Presidents and Directors to the Branch Banks of the Bank of the Commonwealth.

And that they had passed bills which originated in the Senate of the following titles, viz.

An act to extend the Turnpike and Wilderness Road to Crab Orchard.

An act to add a part of Ohio to Daviess county.

With an amendment to the latter bill.

And that they had concurred in amendments proposed by the Senate to bills which originated in that House of the following titles, viz.

An act to amend the act entitled an act to incorporate the Lexington and Frankfort Turnpike or Rail Road Company.

An act to authorize the sheriff of Monroe county to execute bond for the collection of the revenue tax and county levy of said county.

An act for the purpose of having the Edmondson county line run from White's to Hunter's, and also run the line between Edmondson and Barren.

An act to authorize the insertion of certain advertisements in the public Leger; and,

An act for the benefit of Sarah Mitcherson and others.

And that they had disagreed to the amendments proposed by the Senate to a bill from that house entitled,

An act for the benefit of William Greathouse.

That they have receded from the amendments proposed by them to bills from the Senate of the following titles, viz.

An act to authorize James G. Lindsey of Campbell county to remove his ferry.

An act to change the time of holding the Bullitt circuit court.

That they have disagreed to a bill from the Senate entitled,

An act for the benefit of Thomas T. G. Waring.

And that they have concurred in the amendments proposed by the Senate, upon concurring in the amendments proposed by that house to a bill from the Senate entitled,

An act to organize a fire company in the town of Augusta.

And that they had concurred in the report of the committee of conference in relation to the amendments proposed by the Senate to a bill from that house entitled, "An act to incorporate the Louisville Mutual Fire Insurance Company."

Mr. McConnell from the said committee on the part of the Senate, made the following report, viz:

The joint committee of conference on the subject of amendments made by the Senate to a bill which originated in the House of Representatives, to incorporate the Louisville Mutual Fire Insurance Company, recommend to both houses the adoption of the following in lieu of the said amendments made by the Senate, to-wit:

Agree to the Senate's first amendment.

In lieu of the amendment of the Senate striking out from the word "mentioned," to the word "but," in the 16th line of the 4th section.

Add to the 15th line "but this provision shall be contained in the policy."

Agree to the Senate's amendment of 5th section, 16th line.

Agree to the Senate's amendment of the 7th section.

Agree to the Senate's amendment of 13th section, 13th line.

And that the Senate recede from the other amendments made by the Senate.

Which was twice read and concurred in.

On the motion of Mr. Allen, who voted in the majority, the vote was reconsidered by which the report made by him from the committee of Internal Improvements on yesterday, in relation to a road from Frankfort to King's ferry on the Ohio river, was concurred in, and the said report was recommitted to the committee of Internal Improvements.

The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act further to regulate the Bank of the Commonwealth, were twice read and disagreed to.

On the motion of Mr. Hardin—

*Ordered*, That a message be sent to the House of Representatives, requesting the appointment of a committee of conference, on their part, in relation to the said amendments; and Messrs. Hardin, Thompson, Edwards, Fleming, Maupin and McConnell were appointed a committee on the part of the Senate.

Mr. Wingate from the joint committee of enrollments, reported that the committee had examined enrolled bills and resolutions of the following titles, viz:

An act to declare Big Caney a navigable stream.

An act concerning the towns of Versailles and Danville.

A joint preamble and resolutions declaring the power of Congress to pass Tariff laws, and to make Internal Improvements within the several States.

An act to incorporate the Lexington and Ohio Rail Road Company.

An act to amend an act appointing commissioners to lay off and mark a State road from Harrodsburg to Smithland in Livingston county, approved February 9, 1828.

An act for the benefit of John Hogan.

An act for the benefit of Kitty B. Gray, and the President and Directors of the Greensburg Branch Bank.

An act for the benefit of the widow and heirs of Robinson Shelburn, deceased.

An act to amend the several laws concerning the trustees of the town of Lexington.

An act to amend the laws in relation to crimes committed on the Ohio, Mississippi and Big Sandy rivers.

An act to change a part of the boundary line between Rockcastle and Laurel counties.

An act to change the name and to authorize the election of trustees to the town of Connersville in Boone county.

An act to regulate the fees of the clerk of the Court of Appeals and other clerks.

An act to incorporate a company to erect a bridge across Licking river, between the towns of Newport and Covington.

And had found the same truly enrolled,

And Mr. Green from the said committee, reported that the committee had examined enrolled bills of the following titles, viz.

An act in relation to clerks of county courts; and,

An act for the benefit of Thomas Lewis and Minerva Laswell.

And had found the same truly enrolled: that the said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

The amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to add part of Ohio to Daviess county; were twice read and concurred in.

The Senate receded from the amendments proposed by them to



a bill from the House of Representatives entitled, "an act for the benefit of William Greathouse."

Mr. Wingate from the committee appointed for that purpose, made the following report, which was laid on the table, viz.

The committee appointed to inquire into the necessity of appropriating one of the rooms in the Capitol to the use of the Secretary of State, for the purpose of enabling him to preserve the books and papers belonging to his office, have performed the duty assigned them and report:

That they have examined carefully, the size, situation, &c. of the room at present occupied by the Secretary of State, and consider it insufficient for the purposes of the Secretary's office. Your committee are of opinion, that the east corner room, on the ground floor of the Capitol, should be finished for the use of the Secretary, that a door should be opened in the partition wall, between said room and the passage leading out to the east, and a door, with a *transome* light over it, should be put into the end of said passage, next to the stair case. Your committee offer the following resolution, viz.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the commissioners for building the Capitol, be instructed to cause said room to be finished and prepared for the use of the Secretary of State.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Solomon Jenkins," reported the same with the following resolution thereon, viz.

*Resolved,* That the said bill ought not to pass.

Which was twice read and concurred in; and so the said bill was disagreed to.

A bill from the House of Representatives entitled, "an act to amend the duelling laws," was read the third time.

Mr. Hardin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Green, were as follows, viz.

YEAS—Messrs. Allen, Campbell, Edwards, Faulkner, Fleming, George, Hardin, M'Millan, M'Connell, Miller, Owsley, Payne, Summers, Taylor, Thornton, Townsend, White, Wickliffe and Williams—19.

NAYS—Messrs. Barrett, Brown, Cunningham, Fulton, Gibson, Green, Griffin, Harris, Maupin, Ray, Rodman, Stephens, Thompson, Wall, Wingate and Wood—16.

Bills from the House of Representatives of the following titles, were severally read the first time, and ordered to be read a second time, viz.

An act for surveying and improving the State road from the mouth of Big Sandy to Lexington.

An act to incorporate a company to build a bridge across Salt river, at the town of Taylorsville.

An act for the benefit of the Cumberland Hospital.

An act to provide for the erection of two bridges across Rockcastle river.

An act to provide for appropriating a portion of land to the counties west of the Tennessee river to the erection of bridges.

An act to exempt the United States' mail carriers from the payment of toll on the turnpike and wilderness road.

An act for the appropriation of money.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were committed to the committee of finance.

A bill increasing the jurisdiction and duties of justices of the peace was again read the second time.

Mr. Hardin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Ray, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Campbell, Green, Hardin, Harris, Maupin, Miller, Summers, Taylor, Thornton, Wall, Wickliffe, Wingate and Wood—15.

NAYS—Messrs. Brown, Cunningham, Edwards, Faulkner, Fleming, Fulton, George, Gibson, Griffin, M'Millan, M'Connell, Owsley, Payne, Ray, Rodman, Selby, Stephens, Thompson, Townsend, White and Williams—21.

Ordered, That the said bill be engrossed and read a third time to-morrow.

An engrossed bill entitled, an act to require the judges of the circuit courts to reside within their respective judicial districts, was read the third time.

Mr. Fleming moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ray and Hardin, were as follows, viz:

YEAS—Messrs. Allen, Campbell, Cunningham, Faulkner, Fleming, George, Griffin, Hardin, Harris, M'Millan, M'Connell, Miller, Owsley, Payne, Rodman, Selby, Summers, Taylor, Thompson, Thornton, Wall, White, Williams and Wood—24.

NAYS—Messrs. Barrett, Brown, Edwards, Fulton, Gibson, Green, Maupin, Ray, Stephens, Townsend, Wickliffe and Wingate—12.

An engrossed bill entitled, an act imposing a duty on sales at auction in the county of Franklin, was read the third time, and committed to a committee of Messrs. Wingate, Hardin and Fleming.

An engrossed bill entitled, an act to amend the several acts against unlawful gaming, was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time and ordered to be read a second time, viz.

An act to authorize the sale of the seminary lands of Perry county.

An act further to regulate the town of Pikeville in Pike county.

An act for the benefit of William Bartlett and others.

An act to change the tobacco inspection in the town of Eddyville.

An act for the benefit of Micajah V. Harrison and for other purposes.

An act for the benefit of Thomas L. Wathen and Amelia Wathen.

An act for the benefit of the creditors and heirs of Thomas McKee, deceased, and of the heirs of David Wilson, deceased, and,

An act for the benefit of Gideon Granger.

The rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act for the benefit of witnesses, clerks, sheriffs and other officers,"

Was read the second time, amended, and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

#### THURSDAY, JANUARY, 28, 1839.

The Senate assembled.

A message was received from the Governor by Mr. Crittenden, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz.



An act to change the name, and to authorize the election of trustees to the town of Connersville, Boone county.

An act to regulate the fees of the Clerk of the Court of Appeals, and other clerks.

An act to amend the law in relation to crimes committed on the Ohio, Mississippi and Big Sandy Rivers.

An act to change the boundary line between Rockcastle and Laurel counties.

An act for the benefit of the heirs of Robinson, Shelburn, deceased.

An act to amend the several laws concerning the trustees of the town of Lexington.

An act for the benefit of Kitty B. Gray, and the President and Directors of the Greensburg Branch Bank.

An act to amend "an act appointing commissioners to lay off and mark a State Road from Harrodsburg to Smithland, in Livingston county," approved 9th February, 1823.

An act for the benefit of John Hogan.

An act to incorporate the Lexington and Ohio Rail Road Company.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of the Cumberland Hospital," reported the same without amendment.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

Mr. Hardin from the same committee to whom was referred, a bill from the House of Representatives entitled, "an act to incorporate a company to build a bridge across Salt river at the town of Taylorsville," reported the same without amendment.

Mr. Faulkner moved to amend the said bill by striking out so much thereof as requires the Treasurer of this Commonwealth to subscribe two thousand five hundred dollars in stock in the said company.

And the question being taken on adopting the said amendment it was decided in the negative.

The yeas and nays being required thereon by Messrs. Faulkner and Hardin, were as follows, viz.

YEAS—Messrs. Brown, Edwards, Faulkner, Fulton, Gibson, Griffin, Miller, Stephens, Williams and Wood—10.

NAYS—Messrs. Allen, Cunningham, Fleming, George, Hardin, Harris, M'Millan, M'Connell, Owsley, Payne, Ray, Rodman, Summers, Taylor, Thompson, Thornton, Wail and White—18.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of said bill having been dispensed with,

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Stephens and Harris, were as follows, viz.

YEAS—Messrs. Allen, Cunningham, Fleming, George, Hardin, Harris, M'Millan, M'Connell, Owsley, Payne, Ray, Rodman, Summers, Taylor, Thompson, Thornton, Wall, White and Wingate—19.

NAYS—Messrs. Barrett, Brown, Edwards, Faulkner, Fulton, Gibson, Green, Griffin, Miller, Stephens, Townsend, Williams and Wood—13.

*Resolved*, That the title of the said bill be as aforesaid.

Mr. Hardin from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act to provide for the erection of two bridges across Rockcastle river," reported the same without amendment.

Mr. Brown moved to amend the said bill by striking out so much as relates to the bridges on the road leading from Richmond to Cumberland Gap.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Brown and M'Millan, were as follows, viz.

YEAS—Messrs. Brown, Edwards, Maupin and Stephens—4.

NAYS—Messrs. Allen, Barrett, Cunningham, Faulkner, Fleming, Fulton, George, Green, Griffin, Hardin, Harris, M'Millan, M'Connell, Miller, Owsley, Payne, Ray, Rodman, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams, Wingate and Wood—29.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Stephens, were as follows, viz.

YEAS—Messrs. Allen, Barrett, Faulkner, Fleming, Fulton, George, Hardin, Harris, M'Millan, Miller, Owsley, Payne, Summers, Taylor, Thompson, Thornton, Wall, White, Wickliffe, Williams and Wood—21.

NAYS—Messrs. Brown, Cunningham, Edwards, Griffin, Maupin, M'Connell, Ray, Stephens, Townsend and Wingate—10.

*Resolved*, That the title of the said bill be as aforesaid.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act for the appropriation of money," reported the same with amend-

ments, which, with the bill, were committed to the committee of the whole house for to-day.

A message was received from the House of Representatives announcing the passage of bills of the following titles, viz.

An act changing the place of voting in a precinct in Butler county, and to allow an additional justice of the peace and constable to Franklin county.

An act to divorce Daniel Dulaney from his wife, Sally Dulaney.

An act to permit Nicholas Jasper to peddle in this State without a licence; and,

An act to improve the navigation of Little Sandy river.

And that they had received official information that the Governor had approved and signed enrolled bills and a resolution which originated in that house of the following titles, viz.

An act to incorporate a company to erect a bridge across Licking river, between the towns of Newport and Covington.

An act to declare Big Caney a navigable stream.

An act concerning the towns of Versailles and Danville.

An act in relation to the clerks of county courts.

An act for the benefit of Thomas Lewis and Minerva Laswell.

A joint preamble and resolutions declaring the power of Congress to pass Tariff laws and to make Internal Improvements within the several States.

And that they had concurred in the report of the committee of conference in relation to the amendments proposed by that house, to a bill from the Senate entitled, an act further to regulate the Bank of the Commonwealth.

Mr. Hardin from the committee of conference on said amendments, on the part of the Senate, made the following report, viz.

The committee of conference on the bill further to regulate the Bank of the Commonwealth, have conferred together and have come to the following agreement:

That the amendment from the House of Representatives shall be thus amended:

Strike out three in the 10th section and insert four, and strike out three in the 12th section and insert four.

In the 13th section strike out, "and shall be preferred," and insert in the 9th section in the 12th line after, sleep in the Bank, or procure a trusty person so to do, "at his own risque," and add to the amendment the following section:

That the agents and cashier shall pay into Bank the same description of money they receive, or money of par value with what they do receive, and the salaries of the officers and agents shall be paid in Commonwealth's Bank notes.

BEN. HARDIN, *Chm. Com. of the Senate.*

JAS. GUTHRIE, *Chm. Com. House of Reps.*

Which was twice read and concurred in.



A message was received from the House of Representatives, announcing the passage of bills from the Senate of the following titles, viz:

An act to remove the obstructions to the navigation of Rough creek, Pond river and Tradewater.

An act further to regulate the Bank of Kentucky.

An act to alter the time of holding certain circuit courts.

An act to amend the law in relation to opening and repairing the public roads in certain counties.

An act for the benefit of the heirs of James Jennings, deceased.

An act for the benefit of the widow and heirs of Elias Cox, deceased.

An act to curtail the powers of the county court of Henry.

An act for the benefit of Robert C. Harrison and others.

An act to provide for opening a road from New-Liberty in Owen county to Fredericksburg in Gallatin county.

An act for the benefit of Jesse Combs.

An act to furnish certain officers with the Digest of the Statutes.

An act to alter the time of holding the Hopkins county court.

An act to authorize the Commonwealth to prosecute writs of error in certain cases; and,

An act to provide for opening a State road from Frankfort to intersect the State road from Lexington to Ghent, at or near Owenton.

With amendments to the third and fourth bills.

The committee of finance was discharged from the further consideration of a bill from the House of Representatives entitled, "an act for the surveying and improving the State road from the mouth of Big Sandy to Lexington."

The said bill was ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz.

An act to constitute a board of Internal Improvements for Shelby county.

An act for the benefit of Nicholas Hocker and Charles Wallace.

An act to divorce Huldah Gervis from her husband, Lemuel Gervis; and,

An act to divorce Daniel Dulaney from his wife, Sally Dulaney.

Were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with; the two

former were committed to the committee of finance and the two latter to the committee of religion.

A bill from the House of Representatives entitled, "an act to incorporate the Green and Barren river navigation company," was read the third time, as amended.

The question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Griffin and M'Connell, were as follows, to-wit:

YEAS—Messrs. Allen, Brown, Cunningham, Fleming, Fulton, George, Green, Hardin, Harris, Maupin, M'Millan, M'Connell, Payne, Ray, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams, Wingate and Wood—25.

NAYS—Messrs. Barrett, Edwards, Faulkner, Griffin, Miller, Owsley, Rodman and Stephens—8.

*Resolved*, That the title of the said bill be amended by adding thereto, "and for other purposes."

After a short time, a message was received from the House of Representatives, announcing their concurrence to the amendments to the said bill.

Mr. White who voted in the majority, moved a reconsideration of the vote by which a bill from the House of Representatives entitled, "an act for the benefit of the Christian academy," was rejected on yesterday.

And the question being taken on said motion, it was decided in the affirmative; and the said bill was ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Ray, were as follows, viz.

YEAS—Messrs. Allen, Brown, Cunningham, Edwards, Fleming, George, Green, Hardin, Harris, Maupin, M'Millan, Owsley, Payne, Summers, Taylor, Thornton, Townsend, Wall, White, Wickliffe and Wingate—21.

NAYS—Messrs. Barrett, Faulkner, Fulton, Griffin, M'Connell, Miller, Ray, Rodman, Stephens, Thompson and Wood—11.

*Resolved*, That the title of the said bill be as aforesaid.

The following bills were reported from the committee of enrolments, and that they were truly enrolled, viz.

By Mr. Green—

An act for the benefit of Wm. Greathouse.

An act for the benefit of William Bartlett and others.

An act further to regulate the town of Pikeville in Pike county.

An act for the benefit of Micajah V. Harrison, and for other purposes.

An act to change the tobacco inspection in the town of Eddyville.

An act to authorize the sheriff of Monroe county, to execute bond for the collection of the revenue tax and county levy of said county.

An act for the benefit of William M'Clain, deputy sheriff of Estill county.

An act requiring salt works to be enclosed.

An act to amend the act entitled "an act to incorporate the Lexington and Frankfort turnpike or rail road company."

By Mr. Gibson—

An act for the benefit of Francis Maraman and others.

An act for the purpose of opening a road from Bell's, in Barren county, to the cross roads near the Simpson county line, and the Tennessee State line.

An act for the benefit of the shareholders in the Louisville Insurance Company.

An act for the benefit of John L. Elliott.

An act to amend the laws in relation to the trustees of towns, and for other purposes.

An act to incorporate the Kentucky Hemp Manufacturing and Exporting Company.

An act to amend the laws concerning slaves, and for other purposes; and,

An act for the benefit of the devisees of Benjamin Threlkeld and Plummer Thurston.

An act for the benefit of the heirs of Benjamin Mason, deceased.

An act for the benefit of Jane Wright Latty and Nancy Davis Latty.

An act appropriating certain vacant lands to the improvement of the public roads in the counties of Russell, Monroe, Allen and Cumberland.

An act allowing additional justices of the peace and constables to certain counties.

An act to provide for the erection of a bridge across Kentucky river, near the mouth of Benson.

An act to appropriate some of the vacant land in Casey and Wayne counties to improve the roads in said counties.

An act for the benefit of Gabriel L. Bourland.

An act to change the time of holding the Edmondson and Barren county courts, and for other purposes.

An act for the benefit of Wayne, Russell and Fayette counties.

An act for the benefit of Polly Flowers.

An act requiring the clerk of the court of appeals to deliver over certain records to the Register of the land office.

An act to amend the several acts incorporating the Louisville Turnpike Company, and for other purposes.



By Mr. Wingate—

An act to extend the Turnpike and Wilderness Road to Crab Orchard.

An act to authorize James G. Lindsey, of Campbell county, to remove his ferry.

An act to organize a fire company in the town of Augusta.

An act to add a part of Ohio to Davess county; and,

An act to change the time of holding the Bullitt circuit court.

And that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Wingate reported that the committee had performed that duty.

On the motion of Mr. Maupin—

Leave was given to bring in a bill for the benefit of Thomas Downs of Barren county.

*Ordered*, That the committee of finance prepare and bring in the same.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up, and read as follows, viz:

*Gentlemen of the Senate:*

I nominate for your advice and consent, James C. Mulligan, as sheriff of Allen county, to fill the vacancy occasioned by the failure of Eli Pitchford, to renew his bond annually, as the law requires.

I also nominate for your advice and consent, Alfred Thruston, as notary public, in and for the City of Louisville.

THOMAS METCALFE.

*Resolved*, That the Senate advise and consent to the said appointments.

*Ordered*, That Messrs. Payne and Allen inform the Governor thereof.

A resolution from the House of Representatives, fixing a day for the election of Directors of the Bank of the Commonwealth of Kentucky, and Presidents and Directors of the Branch Banks of said Bank, was twice read and concurred in.

A message was received from the House of Representatives, announcing their concurrence with an amendment in a resolution from the Senate, to provide for viewing a State road from Frankfort, by New Castle, to King's ferry, on the Ohio river.

On the motion of Mr. Rodman, the said resolution and amendment, were laid on the table till the first of June next.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled an act to amend the law in rela-

tion to opening and repairing the public roads in certain counties, were twice read and concurred in.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled an act to alter the time of holding certain circuit courts, were twice read; the second amendment was disagreed to, and the other amendments were concurred in with amendments.

After a short time, a message was received from the House of Representatives, announcing that they had receded from their second amendment, and concurred in the said amendments proposed by the Senate.

The Senate according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the Commonwealth, Mr. Brown in the chair; after some time spent in committee, the Speaker resumed the chair, and Mr. Brown reported, that the committee had, according to order, had under consideration, a bill from the House of Representatives, entitled an act for the appropriation of money, and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table.

The said amendments were severally twice read and concurred in.

*Ordered*, That the said bill as amended, be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title be as aforesaid.

After a short time, a message was received from the House of Representatives, announcing their concurrence in the said amendments.

A bill from the House of Representatives, entitled an act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools, was read the third time, as amended.

Mr. Taylor moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Taylor and Wood, were as follows, viz.

YEAS—Messrs. Campbell, Edwards, Faulkner, George, Griffin, Hardin, Miller, Owsley, Rodman, Taylor and Wood—11

NAYS—Messrs. Barrett, Brown, Cunningham, Fleming, Fulton, Gibson, Green, Harris, M'Millan, M'Connell, Payne, Stephens, Summers, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams and Wingate—21.

The question was then taken on the passage of the said bill as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wood and Gibson, were as follows, viz:

YEAS—Messrs. Barrett, Brown, Campbell, Cunningham, Fleming, Fulton, Gibson, Green, Harris, M'Millan, M'Connell, Payne, Rodman, Stephens, Summers, Thompson, Thornton, Townsend, Wall, White, Wickliffe, Williams and Wingate—23.

NAYS—Messrs. Edwards, Faulkner, George, Griffin, Hardin, Miller, Owsley, Taylor and Wood—9.

*Resolved*, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled an act for the improvement of the road from Mount Sterling, by way of Irvine and Manchester, to intersect the Wilderness State Road, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of finance.

A bill from the House of Representatives entitled, "an act for the benefit of widows and orphans," was read the first time and laid on the table until the first day of June next.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Edward Lee; and,

An act for the benefit of Jacob Hobbs,

Were each read the first time, and the question being taken on reading the said bills a second time, it was decided in the negative, and so the said bills were disagreed to.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Mayfield baptist society in Hickman county.

An act for the benefit of the Frankfort and Shelbyville turnpike company.

And an act to compel the sheriffs of this Commonwealth to pay the full amount of venire claims to the holders thereof, and for other purposes,

Were severally read the first time and ordered to be read a second time.

Bills from the House of Representatives of the following titles, viz:

1. An act to establish an election precinct in Pendleton county.

2. An act to establish an election precinct in Logan county, and for other purposes.

3. An act appropriating some of the vacant lands in Laurel and Knox counties, to the improvement of a road.

4. An act for the benefit of Jarret Willingham.

5. An act defining and declaring the true boundary line between the counties of Greenup and Lawrence.



6. An act for the benefit of the devisees of John Faris, dec'd, and Joshua Fry Lawrence.

7. An act to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles.

8. An act allowing an additional justice of the peace to Allen county.

9. An act to invest the City of Louisville with the privilege of a separate representation, and for other purposes.

10. An act for the benefit of the heirs of James Frazier.

11. An act to amend the election laws of this State.

12. And an act for the benefit of Eaton Good.

Which bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the seventh being amended:

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time, and ordered to be read a second time, viz:

An act to authorize the copying of certain books in the surveyor's office of Clay county.

An act concerning the Auditor's and Treasurer's offices, and for other purposes.

An act to appropriate the fines and forfeitures of Hardin, Green and Campbell counties, to the use of their respective county seminaries.

An act to enable the infant heirs of John Bruce, sen. deceased, to convey certain lands.

And an act to amend the charter of the City of Louisville.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were severally amended and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives entitled, "an act to amend and regulate the action of replevin," was read the third time as amended.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A resolution from the House of Representatives, offering a reward for the discovery of the cause, and a specific cure for the disease called the milk sickness, was twice read and concurred in.

A bill from the House of Representatives entitled, "an act to incorporate certain turnpike road companies," was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to a committee of Messrs. Thornton, Wickliffe and Wall.

A bill from the House of Representatives, entitled an act to incorporate the Louisville and Shelbyville rail road company,

Was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was ordered to be read a third time.

And then the Senate adjourned.

#### FRIDAY, JANUARY 29, 1830.

The Senate assembled.

A message was received from the Governor by Mr. Crittenden, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz.

An act to extend the turnpike and wilderness road to the Crab Orchard.

An act to change the time of holding the Bullitt circuit court.

An act to authorize James G. Lindsey, of Campbell county, to remove his ferry.

An act to organize a fire company in the town of Augusta.

An act to add a part of Ohio to Daveiss county.

An act to incorporate the Kentucky Hemp Manufacturing and Exporting Company.

An act to amend the law concerning slaves, and for other purposes.

Mr. Wood, from the committee of Religion, to whom was referred, a bill from the House of Representatives, entitled an act to divorce Huldah Gervis from her husband, Lemuel Gervis, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill *ought not to pass*.

The said bill is as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage between Lemuel Gervis and Huldah Gervis, be, and the same is hereby dissolved; and that the said Huldah Gervis is hereby restored to all the privileges of a *feme sole*.

Mr. Fleming moved to amend the said resolution by striking out the word "*not*."

And the question being taken thereon, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Fleming and Ray, were as follows, viz:

YEAS—Messrs. Fleming, Fulton, George, Griffin, Harris, Miller and Wall—7.

NAYS—Messrs. Barrett, Brown, Cunningham, Edwards, Faulkner, Hardin, M'Millan, Ray, Stephens, Summers, Taylor, Thompson, Thornton, Townsend, White, Wickliffe, Williams and Wood—18.

Mr. Wood, from the same committee, to whom was referred a bill from the House of Representatives, entitled an act to divorce Daniel Dulaney from his wife, Sally Dulaney, reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought *not* to pass.

Mr. Allen moved to amend the said resolution by striking out the word "*not*."

And the question being taken thereon, it was decided in the negative; and so the said bill was disagreed to.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act to exempt the United States' mail carriers from the payment of toll on the turnpike and wilderness road," reported the same with the following resolution thereon, viz.

*Resolved*, That the said bill ought not to pass,

Which was twice read and concurred in.

Mr. Hardin, from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Nicholas Hocker and Charles Wallace," reported the same with the following resolution thereon, viz:

*Resolved*, That the said bill ought *not* to pass.

The said bill is as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of eighty one dollars and ninety cents, be and is hereby appropriated for the benefit of the said Nicholas Hocker and Charles Wallace; and the Auditor of public accounts is directed to issue his warrant on the treasury, for that sum in their favor.

Mr. Green moved to amend the said resolution, by striking out the word "*not*."

And the question being taken thereon, it was decided in the negative; and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Hardin and Green, were as follows, viz.

YEAS—Messrs. Fleming, Fulton, Green, Griffin, Harris, Ray, Stephens, Townsend and Wall—9.

NAYS—Messrs. Barrett, Brown, Cunningham, Edwards, Faulkner, George, Hardin, M'Millan, Miller, Owsley, Payne,



Summers, Taylor, Thompson, Thornton, White, Williams and Wood—18.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to a bill from that House, entitled an act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools; and their adoption of a resolution for employing counsel to defend the constitutionality of the seven year's limitation law, before the supreme court of the United States.

A message in writing was received from the Governor, by Mr. Crittenden, Secretary, of State.

The rule of the Senate having been dispensed with, the said message was taken up, and read as follows, viz:  
*Gentlemen of the Senate:*

I nominate for your advice and consent, John Faulkner, John L. Blain, Jacob Swigert, Thomas S. Page and Henry Owsley, as securities for James Davidson, Treasurer, elect for the present year.

THOMAS METCALFE.

*Resolved*, That the Senate advise and consent to the said securities.

*Ordered*, That Messrs. Barrett and White inform the Governor thereof.

Mr. Hardin, from the committee of finance, made the following report, viz:

The committee of finance, has had under consideration, the petition of the managers of the Louisville Hospital, and report the following resolution:

*Resolved*, That the said petition ought not to be granted.  
Which was twice read and concurred in.

Mr. Hardin from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act for the improvement of the road from Mount Sterling, by way of Irvine and Manchester, to intersect the wilderness State road," reported the same with an amendment.

Which was twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin from the same committee to whom was referred, a bill from the House of Representatives, entitled, "an act to constitute a board of Internal Improvement for Shelby county," reported the same with amendments, which were twice read and concurred in.

*Ordered*, That the said bill be read a third time, as amended.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

The question was taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Griffin and Hardin, were as follows, viz.

YEAS—Messrs. Brown, Cunningham, Fleming, George, Green, Hardin, Harris, M'Millan, M'Connell, Owsley, Payne, Ray, Summers, Taylor, Thompson, Thornton, Townsend, Wall, White, and Wickliffe—20.

NAYS—Messrs. Allen, Barrett, Edwards, Faulkner, Fulton, Griffin, Miller, Stephens and Wood—9.

*Resolved*, That the title of the said bill be as aforesaid.

On the motion of Mr. Hardin, the committee of finance was discharged from the further consideration of all the business now before them, and the said business was laid on the table until the first day of June next.

Mr. Hardin from the committee to whom was referred, resolutions from the House of Representatives, on the subject of the Sunday mail, made the following report, viz:

The select committee to whom was referred, a joint resolution of the House of Representatives, instructing our Senators, and requesting our Representatives in Congress, to vote against stopping the mail on Sunday, has had that subject under consideration, and report thereon:

This committee do not, for a moment, doubt their power to instruct their Senators and request their Representatives in Congress, to pursue any particular line of policy which the interest and feelings of the State may dictate and require; but at the same time, the right to instruct and request, ought never to be exercised, except upon important constitutional questions, or questions of great national policy, other than of responsibility from the Representative to his immediate constituents, ought not to be interfered with, and the legislature become answerable for the acts of the Representative, unless there is an absolute necessity for it; and such a one the committee believes does not now exist. They consider it most advisable, not to act upon the resolution, farther than to postpone the consideration of it; the committee submit the following resolution:

*Resolved*, That the consideration of the aforesaid resolution be postponed until next June.

Which was twice read,

And the question being taken on concurring therein, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Miller and Stephens, were as follows, viz.

YEAS—Messrs. Barrett, Faulkner, Fulton, George, Hardin,

Harris, McMillan, Payne, Summers, Taylor, Thompson, Thornton, White, Wickliffe, Williams and Wood—16.

NAYS—Messrs. Brown, Griffin, Miller, Owsley, Ray, Stephens, Wall and Wingate—7.

On the motion of Mr. Fleming, leave was given, and he reported a bill to alter the time of holding the Lewis circuit court,

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

After a short time, a message was received from the House of Representatives, announcing the passage of said bill by that body.

Mr. Stephens, from the joint committee appointed to examine the Treasurer's office, made the following report, viz:

The joint committee of the Senate and House of Representatives have discharged the duties to them assigned, of examining the Treasurer's office. They have compared each voucher with its entry, for the year ending the 10th of October, 1829, and having found them all correctly entered, they caused the vouchers for the payment of money to be destroyed. The statement heretofore reported by the Treasurer, exhibits the situation of the Treasury. All of which is respectfully submitted.

LEONARD STEPHENS,

DAVID K. HARRIS,

*Committee of the Senate.*

LEE WHITE,

GEO. CALHOON,

GEO. VENABLE,

SIMEON H. ANDERSON,

THOMAS JAMES,

GEO. W. JOHNSTON,

*Committee of the House of Representatives.*

Mr. Thornton from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to incorporate certain turnpike road companies," reported the same with amendments.

Which were twice read and concurred in.

*Ordered*, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

After a short time, a message was received from the House of



Representatives announcing their concurrence in the said amendments.

Bills from the House of Representatives of the following titles, viz.

An act changing the place of voting in a precinct in Butler county, and to allow an additional justice of the peace and constable to Franklin county.

An act to change the time of holding the Jefferson circuit court.

An act to incorporate the trustees of the Male and Female Orphan Asylum at Middletown.

An act concerning the court of appeals.

An act to authorize the insertion of advertisements in the Lancaster Journal, a newspaper printed at Lancaster.

An act for the benefit of the High school in Louisville, and the Male and Female Orphan Asylum at Middletown.

Were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives announcing their concurrence in the amendments proposed by the Senate, to bills from that house of the following titles, viz.

An act for the benefit of witnesses, clerks, sheriffs and other officers.

An act to authorize the copying of certain books in the surveyor's office of Clay county.

An act concerning the Auditor's and Treasurer's offices, and for other purposes.

An act to enable the infant heirs of John Bruce, Jr. deceased, to convey certain lands.

An act to incorporate a company to turnpike a road from Frankfort to Lexington by way of Versailles.

An act to amend the Charter of the City of Louisville.

An act for the improvement of the road from Mount Sterling by way of Irvine and Mauchester, to intersect the Wilderness State Road.

An act to appropriate the fines and forfeitures of Hardin, Green and Campbell counties, to the use of their respective county seminaries.

An act to constitute a board of internal improvement for Shelby county; and,

An act to amend and regulate the action of replevin.

And that the House of Representatives had received official information that the Governor, on yesterday, approved and sign-

ed enrolled bills which originated in that House of the following titles, viz.

An act for the benefit of Wm. Greathouse.

An act for the benefit of William Bartlett and others.

An act further to regulate the town of Pikeville in Pike county.

An act for the benefit of William McClain, deputy sheriff of Estill county.

An act for the benefit of Micajah V. Harrison, and for other purposes.

An act to change the tobacco inspection in the town of Eddyville.

An act to authorize the sheriff of Monroe county, to execute bond for the collection of the revenue tax and county levy of said county.

An act for the benefit of Francis Maraman and others.

An act for the purpose of opening a road from Bell's, in Barren county, to the cross roads near the Simpson county line, and the Tennessee State line.

An act for the benefit of the shareholders in the Louisville Insurance Company.

An act for the benefit of John L. Elliott.

An act for the benefit of Jane Wright Latty and Nancy Davis Latty.

An act appropriating certain vacant lands to the improvement of the public roads in the counties of Russell, Monroe, Allen and Cumberland.

An act allowing additional justices of the peace and constables to certain counties.

An act to provide for the erection of a bridge across Kentucky river, near the mouth of Benson.

An act for the benefit of Wayne, Russell and Fayette counties.

An act for the benefit of Polly Flowers.

An act for the benefit of Gabriel L. Bourland.

An act to change the time of holding the Edmondson and Barren county courts, and for other purposes.

An act to appropriate some of the vacant land in Casey and Wayne counties to improve the roads in said counties.

An act requiring the clerk of the court of appeals to deliver over certain records to the Register of the land office.

An act to amend the several acts incorporating the Louisville Turnpike Company, and for other purposes.

An act for the benefit of the heirs of Benjamin Mason, deceased.

An act for the benefit of the devisees of Benjamin Threlkeld and Plummer Thurston.

An act to amend the laws in relation to the trustees of towns, and for other purposes.

An act to amend the act entitled "an act to incorporate the Lexington and Frankfort turnpike or rail road company."

Mr. Wingate from the committee to whom was referred, an engrossed bill entitled, an act imposing a duty on sales at auction in the county of Franklin, reported the same without amendment.

*Ordered*, That the said bill be laid on the table.

Mr. M'Connell read and laid on the table the following resolution, viz.

*Resolved by the Senate and House of Representatives*, That in the approaching election for Directors of the Bank of the Commonwealth, and for President and Directors of the Branches of the Bank of the Commonwealth, they will drop the hindmost individual in nomination, from time to time, until the competent number to be elected shall have received a majority of all the votes given.

A resolution appropriating one of the rooms in the Capitol to the use of the Secretary of State, was taken up, amended, and concurred in as follows, viz.

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Secretary of State shall be privileged to use the east room of the State House, on the ground floor, for the purpose of depositing the public books and other public papers belonging to his office, until the end of the next session of the Legislature.

After a short time, a message was received from the House of Representatives, announcing their concurrence in the said resolution.

A bill from the House of Representatives entitled, "an act to improve the navigation of Little Sandy river,"

Was read the first time and ordered to be read a second time.

Mr. M'Connell moved to dispense with the rule of the Senate, constitutional provision and second and third readings of the said bill, for the purpose of taking the question on its passage.

The question being taken on the said motion, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Payne, were as follows, viz.

YEAS—Messrs. Faulkner, Fulton, M'Connell, Stephens and White—5.

NAYS—Messrs. Allen, Barrett, Brown, Edwards, Fleming, George, Green, Griffin, Hardin, Harris, Maupin, M'Millan, Miller, Owsley, Payne, Rodman, Summers, Thompson, Thornton, Townsend, Wall, Wickliffe, Williams and Wood—24.

On the motion of Mr. Hardin, all the bills before the Senate were laid on the table till to-morrow.

On motion—

*Ordered*, That Messrs. Hardin, Thompson, Fleming and Harris be added to the committee of enrolments.

The following bills and resolutions were reported from the



committee of enrolments; that the committee had examined and found them truly enrolled, and that they had been signed by the Speaker of the House of Representatives, viz.

An act to incorporate the trustees of the Male and Female Orphan Asylum at Middletown.

An act concerning the court of appeals.

An act to amend and regulate the action of replevin.

An act for the benefit of Eaton Good.

An act for the benefit of the heirs of James Frazier.

An act for the benefit of the High School in Louisville, and the Male and Female Orphan Asylum at Middletown.

An act to appropriate the fines and forfeitures of Hardin, Green and Campbell counties, to the use of their respective county seminaries, and for other purposes.

An act to enable the infant heirs of John Bruce, sen. deceased, to convey certain lands.

An act changing the place of voting in a precinct in Butler county, and to allow an additional justice of the peace and constable to Franklin county.

An act to authorize the copying of certain books in the surveyor's office of Clay county.

An act to change the time of holding the Jefferson circuit court.

An act to amend the charter of the City of Louisville.

An act to establish an election precinct in Logan county, and for other purposes.

An act to establish an election precinct in Pendleton county.

An act for the improvement of the road from Mountsterling by way of Irvine and Manchester, to intersect the wilderness State road.

An act for the benefit of the devisees of John Faris, deceased, and Joshua Fry Lawrence.

An act for the benefit of James Morse.

An act to authorize the insertion of advertisements in the Lancaster Journal, a newspaper printed in Lancaster.

An act for the benefit of Thomas J. Wathen and Amelia Wathen.

An act for the benefit of the Christian Academy.

An act to provide for surveying and improving the State road from the mouth of Big Sandy to Lexington.

An act to provide for the erection of two bridges across Rockcastle river.

An act for the benefit of Cumberland Hospital.

An act for the benefit of Gideon Granger.

An act for the benefit of the creditors and heirs of Thomas M. Kee, dec'd. and of the heirs of Davis Wilson, dec'd.

An act to authorize the county court of Green county so to re-

gulate the constables' districts in said county, as to reduce the number to nine.

An act to authorize the sale of the seminary lands of Perry county.

A joint resolution fixing on a day to elect Directors of the Bank of the Commonwealth of Kentucky, and Presidents and Directors to the Branch Banks of the Commonwealth.

An act to incorporate a company to build a bridge across Salt river, at the town of Taylorsville.

An act for the purpose of having the Edmondson county line run from White's to Hunter's, and also to run the line between Edmondson and Barren.

An act for the benefit of Daniel Vaught, jun. and Polly Miller.

An act for the appropriation of money.

An act appropriating some of the vacant lands in Laurel and Knox counties to the improvement of a road.

An act allowing an additional justice of the peace to Allen county.

An act for the benefit of Jarret Willingham.

An act defining and declaring the true boundary line between Greenup and Lawrence counties.

An act to amend the election laws of this State.

An act to incorporate the Louisville Mutual Fire Insurance Company.

An act to constitute a board of Internal Improvement for Shelby county.

An act to incorporate the Green and Barren River Navigation Company, and for other purposes.

An act to authorize the insertion of certain advertisements in the Public Leger and Bardstown Herald.

A joint resolution offering a reward for the discovery of the cause, and a specific cure for the disease called the milk sickness.

An act to incorporate certain turnpike road companies.

An act concerning the Auditor's and Treasurer's offices, and for other purposes.

An act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools.

An act for the benefit of witnesses, clerks, sheriffs and other officers.

An act to invest the City of Louisville with the privilege of a separate representation, and for other purposes.

An act to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles.

An act to amend the law in relation to opening and repairing the public roads in certain counties.

An act to furnish certain officers with the Digest of the Statutes.

An act further to regulate the Bank of Kentucky.

An act to alter the time of holding the Hopkins county court.

An act for the benefit of the heirs of James Jennings, deceased.

An act to curtail the powers of the county court of Henry.

An act for the benefit of Jesse Combs.

An act to authorize the Commonwealth to prosecute writs of error in certain cases and for other purposes.

An act to alter the time of holding the Lewis circuit court.

An act to alter the time of holding certain circuit courts.

An act to provide for opening a State road from Frankfort, to intersect the State road from Lexington to Ghent, at or near Owenton.

An act for the benefit of the widow and heirs of Elias Cox, deceased.

An act to remove the obstructions to the navigation of Rough Creek, Pond River and Trade Water.

An act to provide for opening a road from New-Liberty, in Owen county, to Fredericksburg, in Gallatin county.

An act further to regulate the Bank of the Commonwealth.

And a resolution appropriating one of the rooms in the Capitol to the use of the Secretary of State, for the purpose of preserving the public books and other public property in his office.

Whereupon the said bills and resolutions were signed by the Speaker of the Senate, and delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, the committee reported that they had performed that duty.

A message was received from the House of Representatives informing the Senate that they were now ready to proceed to the election of Directors of the Bank of the Commonwealth of Kentucky, and Presidents and Directors of the Branches of said Bank.

*Ordered*, That Mr. Mc'Connell inform the House of Representatives that the Senate are ready to proceed to the said election, and that in the election they will not drop any one in nomination; but will vote until said officers are elected by a majority of all the votes given.

A message was received from the House of Representatives, announcing that they will observe the same rule in the election.

After interchanging nominations with the House of Representatives for Directors of the Bank of the Commonwealth, the Senate proceeded to take the vote, and Messrs. Allen and Thornton were appointed a committee to meet a committee from the House, to compare and report the joint vote.

After a short time, Mr. Allen reported that the joint vote stood thus:]

For Thomas Triplett, 28; Edward P. Johnson, 84; Thomas S. Page, 80; Benjamin Hensley, 34; Moses B. Morison, 75;



James Davidson, 59; John M'Intosh, 51; Lewis Sanders, 50; Benjamin Hickman, 29; Herman Bowmar, 10; Ambrose W. Dudley, 6; and William Wood, 6.

That one hundred twenty-nine votes were given.

Whereupon, Edward P. Johnson, Thomas S. Page and Moses B. Morison having received the highest number and a majority of all the votes given, were declared duly elected Directors of the Bank of the Commonwealth for the ensuing year.

The Senate proceeded to vote for one other Director, and Messrs. Green and Griffin were appointed a committee on the part of the Senate to compare and report the joint vote.

After a short time, Mr. Green reported that the joint vote stood thus:

For James Davidson, 73; John M'Intosh, 46; and Lewis Sanders, 7.

That one hundred and twenty six votes had been given.

Whereupon, James Davidson having received a majority of all the votes given, was declared duly elected a Director of the Bank of the Commonwealth for the ensuing year.

After interchanging nominations with the House of Representatives for Presidents and Directors of the Branch Banks of the Commonwealth, and having voted, Messrs. Wood and Ray were appointed a committee on the part of the Senate, to compare and report the joint vote.

After a short time Mr. Wood reported that the following persons had received the unanimous vote of both houses:

They were, thereupon, declared duly elected Presidents and Directors of the several Branch Banks for the ensuing year, viz.

*Flemingsburg Branch Bank*—James Alexander, President; James Crawford, John Donaldson, L. W. Andrews, Thomas W. Fleming, John Dougherty, Charles Ward, James Morris, Aaron Owens and Larkin Anderson, Directors.

*Falmouth Branch Bank*—Francis Chalfant, President; James Naylor, Thomas G. Hall, John M'Kee, Samuel P. Hewser, Enoch Worthen, Lewis Webb, James G. Arnold and Samuel T. Hawser, Directors.

*Winchester Branch Bank*—James Anderson, President; Lewis Grigsby, Charles C. Moore, Benjamin H. Buckner, James B. Barr, Willis Young, Henry T. Duncan, Howard Williams and Benjamin Straughan, Directors.

*Lexington Branch Bank*—Charles Humphreys, President; Thomas H. Pindell, David Megowan, Daniel M. C. Payne, James G. M'Kinney, Geo. Boswell, S. H. B. Clarkson, David Thompson and Elijah Craig, Directors.

*Louisville Branch Bank*—Worden Pope, President; Daniel Smith, Philip R. Thompson, W. T. Spurrier, Loyd D. Addison, Abraham Field, John Roberts, Edward B. Miles and J. R. Stokesman, Directors.

*Princeton Branch Bank*—Wm. S. Lander, President; Enoch Prince, Morton A. Rucker, Samuel Marshall, John M'Caughan, Joseph Watts, Samuel Woodson, William M. Terry and David S. Patton, Directors.

*Greensburg Branch Bank*—Peter B. Atwood, President; Elijah Creel, Joseph Brummel, John Little, Thomas W. Lisle, James Lastley, H. P. Saufley, Stephen T. Logan, Isaac Jackson, Asa Pitman and George T. Wood, Directors.

*Hartford Branch Bank*—Richard Elliott, President; Benjamin Smith, Charles Henderson, Samuel O. Peyton, Richard L. Walker, John Field, Jefferson Jennings, John Rogers, Willis Morgan, Joshua H. Davis and James Hillyer, Directors.

*Bowling Green Branch Bank*—Alexander Graham, President; Jacob Van Meter, John M. Briggs, Asher W. Graham, John Keel, David Caldwell, Thomas Hail, William Carson and Samuel Moore, Directors.

*Mount Sterling Branch Bank*—Thos. C. Barnes, President; Levi Y. Millsbaugh, Daniel Orcar, Moses Grooms, Putnam Ewing, Samuel May, William Ward, Mason Williams and Jefferson Jouitt, Directors.

*Harrodsburgh Branch Bank*—B. Magoffin, President; David Sutton, C. Chinn, Jesse Head, Thomas E. West, Joseph Hopper, Joel Sweeney, Robert C. Palmer and Wm. Pawling, Directors.

*Somerset Branch Bank*—Wm. Fox, President; Charles Hays, Henry James, Bourne Goggin, Walden B. Gilmore, Augustin Hayden, James Terrill, Thales Huston, Benjamin Eve and John Chrisman, Directors.

A message was received from the Governor by Mr. Crittenden, Secretary of State, informing the Senate that the Governor had approved and signed all the enrolled bills and resolutions which originated in the Senate and were signed by the Speaker of the Senate to day, except the resolution appropriating one of the rooms in the Capitol to the use of the Secretary of State, for the purpose of preserving the public books, &c. in his office.

Mr. Hardin, with the leave of the Senate, reported a bill further to regulate the Meade circuit court.

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

After a short time, a message was received from the House of Representatives, announcing the passage of said bill by that body, with amendments; which were concurred in.

Soon after, Mr. Herdin from the committee of enrolments, reported that the committee had examined the said bill and found

it truly enrolled, and that it had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature.

The committee having discharged that duty;

A message was received from the Governor informing the Senate that he had approved and signed said bill.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed all the enrolled bills and resolutions which originated in that house, and which were signed by the Speaker of the Senate to day.

*Ordered.* That Mr. Allen inform the House of Representatives that the Senate, having finished the Legislative business before them, are now ready to adjourn without day.

A message was received from the House of Representatives, announcing that they have finished the Legislative business before them, and were now ready to adjourn without day, and that they had appointed a committee on their part, to wait on the Governor to inform him of the intended adjournment of the General Assembly, and to know whether he has any further communication to make.

Whereupon Messrs. Allen and White were appointed a committee on the part of the Senate.

After a short time, Mr. Allen reported, that the committee had performed the duty assigned them, and were informed by the Governor that he had no further communication to make.

The Speaker having retired, Mr. Wingate was called to the chair, when Mr. Brown moved the following resolution, viz.

*Resolved,* That the thanks of this Senate, be tendered to John Breathitt, Esq. for the dignified and independent manner in which he has discharged the duties of Speaker, during the present session.

Which was twice read and *unanimously* adopted.

The Speaker having resumed the chair and delivered an appropriate address, adjourned the Senate without day.